

ARTICLE IX

GENERAL PROVISIONS

The provisions set forth in this and all other Articles of this act are limitations on the appropriations made by this Act. It is the purpose of the Legislature in enacting this bill only to appropriate funds and to restrict and limit by its provisions the amount and conditions under which the appropriations can be expended.

PROVISIONS RELATING TO THE POSITION CLASSIFICATION PLAN

Section 1. Except as otherwise specifically provided in this Act, expenditures of appropriations for the salaries of employees in classified positions in all affected agencies appropriated funds by this Act, other than institutions of higher education, university system offices, the Higher Education Coordinating Board, and the National Research Laboratory Commission, shall be governed by and be in conformity with the provisions of this Section, including the following list of position classification numbers, position titles, salary group allocations, and rates of pay in classification salary schedules hereinafter provided. As used with respect to salary ranges, "minimum" means the lowest rate in a salary range; "midpoint" means the rate designated as Step 4; and "maximum" means the rate designated as Step 8.

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

Class Number	Position Title	Salary Group
0005	Switchboard Operator	04
0006	Switchboard Operator/Receptionist	05
0008	Switchboard Operator Supervisor	06
0011	Messenger	02
0051	Clerk I	02
0053	Clerk II	04
0055	Clerk III	06
0061	Clerical Supervisor I	06
0063	Clerical Supervisor II	07
0065	Clerical Supervisor III	09
0067	Clerical Supervisor IV	11
0103	Clerk Typist I	03
0106	Clerk Typist II	04
0131	Secretary I	05
0133	Secretary II	06
0135	Secretary III	07
0137	Legal Secretary I	09
0138	Administrative Secretary	09
0141	Hearings Reporter I	10
0142	Hearings Reporter II	12
0143	Hearings Reporter III	14
0146	Legal Secretary II	11
0201	Data Entry Operator I	04
0203	Data Entry Operator II	06
0205	Data Entry Operator III	08
0206	Data Entry Operator IV	10
0211	Data Entry Supervisor I	09
0213	Data Entry Supervisor II	11
0215	Data Entry Supervisor III	13
0221	ADP Equipment Operator I	07
0223	ADP Equipment Operator II	09
0225	ADP Equipment Operator III	11
0227	ADP Equipment Operator IV	14
0231	ADP Supervisor I	12
0232	ADP Supervisor II	14
0233	ADP Supervisor III	16
0234	ADP Supervisor IV	18
0239	ADP Programmer Apprentice	12
0240	ADP Programmer I	14
0241	ADP Programmer II	16
0242	ADP Programmer III	18
0243	ADP Programmer IV	20
0244	ADP Record Control Clerk I	05
0245	ADP Record Control Clerk II	07
0246	ADP Record Control Clerk III	09
0247	Magnetic Tape Librarian	08
0251	Programmer Analyst I	18
0252	Programmer Analyst II	20
0253	Programmer Analyst III	21
0254	Systems Support Specialist IV	16
0255	Systems Support Specialist I	10
0257	Systems Support Specialist II	12
0259	Systems Support Specialist III	14
0260	Systems Analyst I	16

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

(Continued)

Class Number	Position Title	Salary Group
0262	Systems Analyst II	18
0264	Systems Analyst III	20
0266	Systems Analyst IV	21
0268	Systems Programmer I	18
0269	Systems Programmer II	20
0270	Systems Programmer III	21
0273	Assistant Director of ADP	21
0274	Director of ADP I	19
0275	Director of ADP II	21
0277	Data Base Administrator I	16
0278	Data Base Administrator II	18
0279	Data Base Administrator III	20
0280	Data Base Administrator IV	21
0281	Telecommunications Specialist I	12
0282	Telecommunications Specialist II	14
0283	Telecommunications Specialist III	16
0284	Telecommunications Supervisor	18
0285	Telecommunications Administrator	20
0287	Network Manager I	16
0288	Network Manager II	18
0289	Network Manager III	20
0290	Word Processing Operator I	06
0292	Word Processing Operator II	08
0294	Word Processing Operator III	10
0306	Duplicating Machine Operator I	05
0308	Duplicating Machine Operator II	08
0309	Reproduction Equipment Operator I	09
0310	Reproduction Equipment Operator II	11
0311	Reproduction Equipment Operator III	13
0312	Reproduction Equipment Operator IV	15
0316	Reproduction Equipment Supervisor I	12
0317	Reproduction Equipment Supervisor II	14
0318	Reproduction Equipment Supervisor III	16
0320	Director of Reprographics	18
0325	Bindery Technician I	05
0326	Bindery Technician II	07
0327	Bindery Technician IV	11
0328	Bindery Technician III	09
0340	Microfilm Camera Operator I	06
0341	Microfilm Camera Operator II	08
0343	Micrographics Technician I	09
0344	Micrographics Technician II	11
0346	Micrographics Supervisor I	13
0347	Micrographics Supervisor II	15
0351	Darkroom Technician	06
0361	Photographer I	10
0363	Photographer II	12
0365	Photographer III	14
0367	Photographer IV	16
0515	Planning Assistant	16
0516	Planner I	17
0517	Planner II	19

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
0518	Planner III	20
0519	Planner IV	21
0520	Director, Program Planning	21
0540	Research Assistant I	11
0542	Research Assistant II	13
0544	Research Specialist I	15
0546	Research Specialist II	17
0548	Research Specialist III	18
0550	Director of Research	19
0552	Research Associate	19
0554	Chief of Research	21
1001	Accounting Clerk I	04
1002	Accounting Clerk II	06
1003	Accounting Clerk III	08
1004	Accounting Clerk IV	10
1051	Hearings Examiner IV	21
1052	Hearings Examiner III	19
1053	Hearings Examiner II	17
1054	Hearings Examiner I	14
1056	Prehearing Examiner, TWCC	20
1057	Senior Prehearing Examiner, TWCC	21
1058	Ombudsman, TWCC	16
1059	Taxpayer Compliance Officer I	11
1060	Taxpayer Compliance Officer II	12
1061	Taxpayer Compliance Officer III	14
1067	Senior Enforcement Officer I	16
1068	Senior Enforcement Officer II	18
1070	Senior Tax Auditor I	18
1071	Senior Tax Auditor II	21
1081	Accounts Examiner I	11
1082	Accounts Examiner II	13
1083	Accounts Examiner III	15
1084	Auditor IV	18
1085	Auditor V	20
1086	Accounts Examiner IV	17
1087	Supervising Accounts Examiner	17
1088	Auditor I	12
1089	Auditor II	14
1090	Auditor III	16
1091	Assistant State Auditor I	13
1092	Assistant State Auditor II	15
1093	Assistant State Auditor III	17
1097	Assistant State Auditor IV	19
1098	Assistant State Auditor V	21
1101	Insurance Examiner I	12
1102	Insurance Examiner II	14
1103	Insurance Examiner III	16
1107	Insurance Examiner IV	18
1108	Insurance Examiner V	20
1114	Assistant Chief Insurance Examiner	21
1120	EDP Audit Specialist I	14
1121	EDP Audit Specialist II	16

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

(Continued)

Class Number	Position Title	Salary Group
1122	EDP Audit Specialist III	18
1123	EDP Audit Specialist IV	20
1124	EDP Audit Specialist V	21
1130	Investment Officer I	18
1131	Investment Officer II	20
1142	Senior Examiner	19
1144	Supervising Analyst	19
1145	Securities Analyst	15
1146	Senior Analyst	17
1147	Supervising Examiner	20
1150	Budget Examiner I	14
1151	Budget Examiner II	17
1152	Budget Examiner III	19
1153	Budget Examiner IV	21
1155	Budget Analyst I	14
1156	Budget Analyst II	17
1157	Budget Analyst III	19
1158	Budget Analyst IV	21
1161	Accountant I	11
1162	Accountant II	13
1163	Accountant III	16
1164	Chief Accountant I	17
1165	Chief Accountant II	19
1166	Chief Accountant III	20
1169	Director of Finance	20
1180	Assistant Investment Officer	21
1192	Claims Officer I	11
1193	Claims Officer II	13
1194	Claims Officer III	15
1195	Claims Officer IV	17
1205	Assistant Director, Auditing and Tax Reporting	21
1206	Assistant Director of Auditing	19
1207	Director of Auditing	21
1208	Director of Accounting	21
1209	Management Audit Assistant	14
1211	Management Auditor I	15
1213	Management Auditor II	17
1215	Supervising Management Auditor	19
1217	Management Audit Director	21
1220	Internal Auditor I	13
1222	Internal Auditor II	15
1224	Internal Auditor III	17
1226	Internal Auditor IV	19
1228	Internal Auditor V	20
1230	Internal Audit Director	21
1301	State Technical Operations Officer	14
1302	Emergency Management Information Officer	17
1408	Document Examiner I	07
1410	Document Examiner II	09
1412	Document Examiner III	11
1414	Document Examiner Supervisor	13
1501	Administrative Technician I	08

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

(Continued)

Class Number	Position Title	Salary Group
1502	Administrative Technician II	11
1503	Administrative Technician III	13
1504	Administrative Technician IV	15
1506	Executive Assistant I	17
1507	Executive Assistant II	19
1545	Division Director	21
1549	Director of Records Service	18
1550	Staff Services Officer I	16
1551	Staff Services Officer II	18
1552	Staff Services Officer III	19
1553	Staff Services Officer IV	20
1554	Chief of Staff Services	21
1556	Deputy Administrator	21
1557	Director of Programs I	20
1558	Special Project Director	21
1559	Director of Programs II	21
1561	Operations Director I	19
1562	Operations Director II	20
1563	Program Administrator I	17
1564	Program Administrator II	18
1565	Program Administrator III	19
1576	Time Distribution Specialist I	13
1577	Time Distribution Specialist II	15
1580	Field Records Analyst	09
1581	Methods and Procedures Specialist	16
1582	Technical Writer	15
1584	Administrative Procedures Technician	16
1656	Director of Business Management	18
1657	Business Manager I	17
1658	Business Manager II	19
1659	Business Manager III	21
1701	Human Resources Management Clerk I	04
1702	Human Resources Management Clerk II	06
1703	Human Resources Management Clerk III	08
1704	Human Resources Management Clerk IV	10
1711	Human Resources Management Assistant I	11
1712	Human Resources Management Assistant II	13
1721	Position Classification Analyst I	14
1722	Position Classification Analyst II	17
1723	Position Classification Analyst III	19
1724	Assistant Classification Officer	21
1726	Human Resources Management Technician	16
1727	Human Resources Management Specialist	18
1731	Human Resources Management Officer I	15
1732	Human Resources Management Officer II	16
1733	Human Resources Management Officer III	17
1749	Assistant Human Resources Management Director	16
1750	Human Resources Management Director I	18
1751	Human Resources Management Director II	19
1755	Director, Human Resources and Staff Development	21
1780	Training Specialist I	11
1781	Training Specialist II	13

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
1782	Training Specialist III	15
1783	Training Specialist IV	17
1784	Training Specialist V	19
1795	Civil Rights Compliance Specialist	17
1801	Statistical Clerk I	04
1802	Statistical Clerk II	06
1803	Statistical Clerk III	08
1811	Statistician I	09
1812	Statistician II	12
1813	Statistician III	15
1816	Statistician IV	17
1831	Traffic Recorder I	05
1832	Traffic Recorder II	06
1845	Traffic Data Coordinator I	14
1855	Traffic Data Coordinator II	16
1859	Journalist I	10
1860	Journalist II	12
1861	Coordinator, Informational Media	18
1862	Information Specialist I	14
1863	Information Specialist II	16
1864	Information Specialist III	18
1866	Research and Information Specialist	21
1867	Educational Writer	16
1868	Chief of Community Relations	19
1869	Chief of Media Relations	19
1873	Exhibit Technician I	10
1874	Exhibit Technician II	12
1875	Exhibit Technician III	14
1889	Supervisor, Instructional Media Laboratory	16
1890	Audio Visual Technician I	09
1891	Audio Visual Technician II	14
1892	Audio Visual Technician III	16
1895	Museum Curator	15
1899	Audio Visual Director	16
1901	Stock Clerk I	02
1902	Stock Clerk II	04
1903	Stock Clerk III	06
1906	Methods Analyst	14
1911	Warehouse Supervisor	09
1915	Warehouse Superintendent	12
1925	Property Inventory Clerk I	03
1926	Property Inventory Clerk II	06
1929	Property Coordinator	09
1931	Property Manager	14
1935	Purchasing Clerk I	04
1936	Purchasing Clerk II	06
1937	Purchasing Clerk III	08
1940	Purchasing Clerk IV	10
1954	Purchaser I	12
1955	Purchaser II	14
1956	Purchaser III	16
1957	Purchaser IV	18

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

(Continued)

Class Number	Position Title	Salary Group
1958	Specifications Chief	18
1960	Specifications Technician I	14
1961	Specifications Technician II	17
1983	Economist I	14
1985	Economist II	16
1986	Economist III	18
1987	Economist IV	20
2000	Drafter I	08
2001	Drafter II	12
2002	Drafter III	15
2015	Graphics Designer I	12
2016	Graphics Designer II	14
2017	Graphics Designer III	16
2050	Assistant Land Surveyor, GLO	17
2052	Senior Land Surveyor, GLO	20
2054	Assistant Chief Land Surveyor, GLO	21
2071	Manufacturing Process and Plant Inspector	15
2117	Engineering Aide I	02
2118	Engineering Aide II	04
2119	Engineering Aide III	06
2120	Engineering Aide IV	08
2121	Engineering Technician I	08
2122	Engineering Technician II	10
2123	Engineering Technician III	12
2124	Engineering Technician IV	14
2125	Engineering Technician V	16
2127	Engineering Specialist I	17
2128	Engineering Specialist II	18
2129	Engineering Specialist III	19
2130	Engineering Specialist IV	20
2151	Engineering Assistant I	14
2153	Engineering Assistant II	15
2155	Engineering Assistant III	16
2156	Engineer I	17
2158	Engineer II	18
2159	Superintendent of Utilities	21
2160	Engineer III	19
2162	Engineer IV	20
2164	Engineer V	21
2170	Interactive Graphics Technician I	11
2172	Interactive Graphics Technician II	13
2174	Interactive Graphics Technician III	15
2176	Interactive Graphics Technician IV	17
2191	Utility Specialist I	17
2192	Utility Specialist II	19
2193	Utility Specialist III	20
2194	Utility Specialist IV	21
2251	Project Design Assistant I	14
2253	Project Design Assistant II	15
2254	Project Design Assistant III	16
2255	Hydrologist Assistant III	16
2256	Architect I	17

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

(Continued)

Class Number	Position Title	Salary Group
2258	Architect II	18
2260	Architect III	19
2262	Architect IV	20
2264	Architect V	21
2351	Geologist Assistant I	14
2353	Geologist Assistant II	15
2355	Geologist Assistant III	16
2356	Geologist I	17
2358	Geologist II	18
2360	Geologist III	19
2362	Geologist IV	20
2364	Geologist V	21
2366	Chief of Building Engineering and Management	21
2451	Landscape Architect Assistant I	14
2453	Landscape Architect Assistant II	15
2456	Landscape Architect I	17
2458	Landscape Architect II	18
2460	Landscape Architect III	19
2462	Landscape Architect IV	20
2464	Landscape Architect V	21
2551	Hydrologist Assistant I	14
2553	Hydrologist Assistant II	15
2556	Hydrologist I	17
2558	Hydrologist II	18
2560	Hydrologist III	19
2562	Hydrologist IV	20
2564	Hydrologist V	21
2661	Chemist I	11
2662	Chemist II	13
2663	Chemist III	15
2664	Chemist IV	17
2665	Chemist V	19
2667	Chemist VI	21
2720	Deputy State Fire Marshal Apprentice	11
2721	Deputy State Fire Marshal I	13
2722	Deputy State Fire Marshal II	15
2723	Deputy State Fire Marshal III	17
2724	Deputy State Fire Marshal IV	19
2725	Deputy State Fire Marshal V	21
2746	Fire and Safety Officer	15
2750	Safety Officer I	15
2751	Safety Officer II	17
2752	Safety Manager I	19
2753	Safety Manager II	21
2785	Safety Services Inspector I	16
2787	Safety Services Inspector II	17
2789	Safety Services Inspector III	19
2791	Financial Examiner Trainee	16
2793	Assistant Financial Examiner	19
2795	Commissioned Financial Examiner	21
2800	Actuary I	19
2802	Actuary II	20

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
2804	Actuary III	21
2810	Risk Management Specialist I	15
2811	Risk Management Specialist II	17
2812	Risk Management Specialist III	18
2813	Risk Manager I	20
2814	Risk Manager II	21
2823	Insurance Technician I	08
2824	Insurance Technician II	10
2825	Insurance Technician III	12
2826	Insurance Technician IV	14
2827	Insurance Technician V	15
2828	Insurance Technician VI	16
2829	Insurance Technician VII	17
2830	Insurance Technician VIII	18
2841	Insurance Specialist I	12
2842	Insurance Specialist II	14
2843	Insurance Specialist III	16
2844	Insurance Specialist IV	17
2845	Insurance Specialist V	18
2880	Insurance Director I	19
2883	Insurance Director II	20
2885	Insurance Director III	21
2911	Retirement System Benefits Specialist I	10
2912	Retirement System Benefits Specialist II	12
2917	Retirement System Benefits Specialist III	14
2919	Retirement System Benefits Specialist IV	16
3001	Interviewing Clerk	08
3003	Youth Program Supervisor	16
3005	Employment Interviewer I	10
3006	Employment Interviewer II	11
3007	Employment Interviewer III	12
3009	Employment Interviewer IV	13
3011	Supervising Interviewer	13
3020	Counselor Interviewer	12
3021	Employment Counselor I	13
3022	Employment Counselor II	14
3023	Employment Counselor III	15
3031	Veterans Employment Representative I	13
3032	Veterans Employment Representative II	14
3033	Veterans Employment Representative III	15
3041	Employment Supervisor I	14
3042	Employment Supervisor II	15
3043	Employment Supervisor III	16
3051	Area Manager I	16
3052	Area Manager II	17
3053	Area Manager III	18
3054	Area Manager IV	19
3061	Employment Security Field Assistant	17
3075	Area Manager V	20
3101	Employment Technician I	13
3102	Employment Technician II	14
3103	Employment Technician III	16

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
3121	Placement Specialist I	15
3122	Placement Specialist II	16
3129	Chief of Job Service Operations, TEC	21
3141	Labor Market Analyst I	12
3142	Labor Market Analyst II	13
3143	Labor Market Analyst III	15
3148	Supervising Labor Market Analyst	16
3151	Unemployment Insurance Claims Examiner I	10
3152	Unemployment Insurance Claims Examiner II	12
3153	Unemployment Insurance Claims Examiner III	13
3158	Supervising Unemployment Insurance Claims Examiner	14
3171	Unemployment Insurance Specialist I	15
3172	Unemployment Insurance Specialist II	16
3184	Unemployment Insurance Supervisor	17
3190	Appeals Referee I, TEC	15
3191	Appeals Referee II, TEC	16
3192	Appeals Referee III, TEC	18
3193	Assistant Supervisor of Appeals, TEC	19
3194	Supervisor of Appeals, TEC	21
3195	Unemployment Tax Supervisor, TEC	16
3202	Associate Chief of Employment Service	19
3211	Unemployment Tax Specialist I	15
3212	Unemployment Tax Specialist II	16
3425	Supervising Inspector	16
3501	Legal Examiner	21
3510	Director of Hearings	21
3511	Assistant Director of Hearings	19
3534	Attorney I	14
3535	Attorney II	15
3536	Attorney III	17
3537	Attorney IV	18
3538	Attorney V	19
3539	Attorney VI	21
3550	Deputy Clerk I	09
3552	Deputy Clerk II	11
3554	Deputy Clerk III	14
3556	Deputy Clerk IV	17
3560	Appellate Secretary I	09
3562	Appellate Secretary II	11
3564	Appellate Secretary III	13
3570	Legal Assistant I	12
3572	Legal Assistant II	14
3574	Legal Assistant III	16
3605	Legal Counselor	19
3606	Assistant General Counsel	18
3607	General Counsel	21
3643	Investigator I	12
3644	Investigator II	14
3645	Investigator III	16
3646	Investigator IV	18
3701	Right of Way Appraiser I	13
3702	Right of Way Appraiser II	15

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
3705	Right of Way Appraiser III	19
3721	Right of Way Agent I	12
3722	Right of Way Agent II	14
3723	Right of Way Agent III	16
3726	Right of Way Agent IV	18
3741	Right of Way Utility Agent I	11
3742	Right of Way Utility Agent II	13
3743	Right of Way Utility Agent III	16
3746	Right of Way Utility Agent IV	18
3776	Senior Investigator-Examiner	17
3802	Reimbursement Officer I	09
3803	Reimbursement Officer II	11
3804	Reimbursement Officer III	13
3806	Reimbursement Officer IV	15
3808	Reimbursement Officer V	17
3900	Appraiser I	13
3901	Appraiser II	15
3902	Appraiser III	17
3903	Supervising Appraiser	19
3904	Chief Appraiser	21
3906	Appraiser IV	18
4001	Nutritionist I	11
4002	Nutritionist II	13
4003	Nutritionist III	15
4004	Nutritionist IV	18
4005	Nutritionist V	20
4021	Clinical Records Clerk	06
4041	Visual Education Specialist	11
4055	Health Program Specialist I	17
4056	Health Program Specialist II	19
4060	Environmental Quality Specialist I	11
4061	Environmental Quality Specialist II	13
4062	Environmental Quality Specialist III	15
4063	Environmental Quality Specialist IV	17
4064	Environmental Quality Specialist V	19
4065	Environmental Quality Specialist VI	21
4070	Public Health Technician I	11
4072	Public Health Technician II	13
4074	Public Health Technician III	15
4076	Public Health Technician IV	17
4081	Epidemiologist I	15
4082	Epidemiologist II	17
4083	Epidemiologist III	19
4084	Epidemiologist IV	21
4085	Wastewater Enforcement Coordinator I	11
4086	Wastewater Enforcement Coordinator II	13
4087	Wastewater Enforcement Coordinator III	15
4088	Wastewater Enforcement Coordinator IV	17
4089	Wastewater Enforcement Coordinator V	19
4090	Wastewater Enforcement Coordinator VI	21
4108	Sanitation Inspector I	07
4109	Sanitation Inspector II	11

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
4111	Sanitarian I	11
4112	Sanitarian II	13
4113	Sanitarian III	15
4114	Sanitarian IV	17
4115	Sanitarian V	19
4116	Sanitarian VI	21
4124	Veterinarian I	17
4125	Veterinarian II	19
4127	Veterinarian III	21
4141	Inspector I	09
4142	Inspector II	11
4143	Inspector III	13
4144	Inspector IV	15
4158	Consultant Hospital Administration I	17
4159	Consultant Hospital Administration II	19
4160	Consultant Hospital Administration III	21
4203	Laboratory Technician I	03
4204	Laboratory Technician II	05
4206	Laboratory Technician III	07
4207	Laboratory Technician IV	09
4208	Laboratory Technician V	11
4212	Infection Control Practitioner I	16
4213	Infection Control Practitioner II	18
4216	Medical Technologist I	12
4217	Medical Technologist II	15
4218	Medical Technologist III	18
4219	Microbiologist I	11
4220	Microbiologist II	13
4221	Microbiologist III	15
4222	Microbiologist IV	17
4223	Microbiologist V	19
4224	Microbiologist VI	21
4233	Cytotechnologist I	13
4234	Cytotechnologist II	16
4235	Cytotechnologist III	19
4257	Laboratory Consultant	19
4290	Radiological Technologist Assistant	03
4291	Radiological Technologist I	06
4292	Radiological Technologist II	08
4293	Radiological Technologist III	11
4298	Electroencephalograph Technician	09
4340	Orthopedic Equipment Assistant	06
4342	Orthopedic Equipment Technician I	08
4344	Orthopedic Equipment Technician II	10
4345	Orthopedic Equipment Technician III	12
4348	Therapist Technician I	02
4349	Therapist Technician II	04
4350	Therapist Technician III	05
4351	Therapist Technician IV	07
4352	Therapist Technician V	09
4354	Registered Therapist I	12
4355	Registered Therapist II	14

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
4356	Registered Therapist III	16
4357	Registered Therapist IV	18
4358	Registered Therapist V	19
4359	Registered Therapist Assistant I	09
4360	Registered Therapist Assistant II	11
4370	Medical Aide I	02
4372	Medical Aide II	04
4373	Medical Aide III	05
4376	Medical Aide IV	07
4377	Medical Technician I	09
4378	Medical Technician II	11
4379	Medical Technician III	13
4380	Nurse Program Specialist I	17
4381	Nurse Program Specialist II	19
4383	Advanced Nurse Practitioner	17
4384	Nurse I	12
4385	Nurse II	14
4386	Nurse III	16
4387	Nurse IV	18
4388	Nurse V	20
4391	MHMR Aide	03
4392	MHMR Services Assistant	05
4393	MHMR Specialist I	06
4394	MHMR Specialist II	07
4395	MHMR Supervisor	09
4411	Licensed Vocational Nurse I	08
4412	Licensed Vocational Nurse II	10
4413	Medical Assistant I	11
4414	Medical Assistant II	13
4417	Qualified Mental Retardation Professional I	13
4418	Qualified Mental Retardation Professional II	14
4419	Qualified Mental Retardation Professional III	15
4420	Qualified Mental Retardation Professional IV	16
4423	Physician Assistant	19
4424	Pulmonary Physiology Technician	09
4426	Respiratory Care Practitioner I	07
4427	Respiratory Care Practitioner II	09
4428	Respiratory Care Practitioner III	11
4469	Nursing Consultant	20
4481	Dental Assistant I	04
4482	Dental Assistant II	06
4483	Dental Assistant III	08
4484	Dental Lab Technician	12
4488	Dental Hygienist I	13
4489	Dental Hygienist II	16
4490	Pharmacist I	16
4491	Pharmacist II	18
4492	Pharmacist III	20
4497	Pharmacy Technician I	06
4498	Pharmacy Technician II	08
4499	Pharmacy Technician III	10
4501	Correctional Officer I	07

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

(Continued)

Class Number	Position Title	Salary Group
4502	Correctional Officer II	09
4503	Correctional Officer III	11
4530	Sergeant of Correctional Officers	13
4535	Lieutenant of Correctional Officers	14
4536	Captain of Correctional Officers	15
4537	Major of Correctional Officers	17
4556	Warden I	19
4558	Warden II	21
4560	Counsel Substitute I	11
4561	Counsel Substitute II	13
4562	Counsel Substitute III	15
4570	Correctional Transportation Officer I	11
4571	Correctional Transportation Officer II	12
4608	Superintendent, Canning Plant	15
4618	Superintendent, Packing Plant	15
4634	Marketing Agent, Department of Corrections	17
4646	Industrial Supervisor I	11
4647	Industrial Supervisor II	12
4648	Industrial Supervisor III	13
4649	Industrial Supervisor IV	14
4650	Industrial Supervisor V	16
4651	Industrial Supervisor VI	18
4658	Superintendent of Gins	15
4667	Assistant Manager, Livestock and Poultry Production	17
4671	Unit Agriculture Supervisor I	12
4672	Unit Agriculture Supervisor II	13
4673	Unit Agriculture Supervisor III	14
4679	Superintendent of Harvesting Equipment	15
4685	Farm Manager I	15
4686	Farm Manager II	16
4702	Assistant Recreation Supervisor	09
4703	Recreations Supervisor	11
4735	Education Consultant	14
4739	Correctional Medication Aide	09
4741	Chemical Dependency Counselor I	13
4742	Chemical Dependency Counselor II	14
4752	Canteen Manager I	10
4753	Canteen Manager II	13
5001	Social Service Worker I	11
5002	Social Service Worker II	12
5003	Social Service Worker III	13
5004	Human Services Specialist	15
5006	Social Service Supervisor I	15
5007	Social Service Supervisor II	16
5011	Social Service Case Analyst I	14
5012	Social Service Case Analyst II	16
5014	Social Service Program Consultant	17
5017	Adult Protective Services Specialist I	14
5018	Adult Protective Services Specialist II	16
5019	Adult Protective Services Specialist III	17
5020	Institutional Licensing Representative	15
5023	Child Protective Services Specialist I	12

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

(Continued)

Class Number	Position Title	Salary Group
5024	Child Protective Services Specialist II	14
5025	Child Protective Services Specialist III	15
5026	Child Protective Services Specialist IV	16
5028	Child Protective Services Specialist V	17
5035	Income Assistance Specialist I	11
5036	Income Assistance Specialist II	12
5037	Income Assistance Specialist III	13
5038	Income and Medical Assistance Specialist I	12
5039	Income and Medical Assistance Specialist II	13
5041	Social Service Administrator I	18
5042	Social Service Administrator II	19
5043	Social Service Administrator III	20
5044	Social Service Administrator IV	21
5046	Case Review Specialist	11
5050	Disability Services Technician I	06
5051	Disability Services Technician II	08
5052	Disability Determination Officer I	12
5053	Disability Determination Officer II	14
5055	Disability Examiner I	15
5057	Disability Examiner II	16
5058	Disability Examiner III	17
5059	Rehabilitation Technician I	11
5060	Rehabilitation Technician II	13
5061	Disability Determination Officer III	16
5062	Vocational Rehabilitation Counselor I	15
5063	Vocational Rehabilitation Counselor II	16
5066	Director, Vocational Rehabilitation	21
5068	Vocational Rehabilitation Counselor III	17
5069	Human Services Hearing Officer	18
5070	Rehabilitation Services Technician I	07
5071	Rehabilitation Services Technician II	09
5072	Rehabilitation Services Technician III	11
5073	Rehabilitation Services Technician IV	13
5078	Chaplaincy Services Assistant I	09
5079	Chaplaincy Services Assistant II	11
5080	Chaplaincy Services Assistant III	12
5081	Chaplain I	13
5082	Chaplain II	16
5083	Chaplain III	18
5105	Veterans Assistance Counselor I	14
5106	Veterans Assistance Counselor II	15
5107	Veterans Assistance Counselor III	16
5108	Veterans Assistance Supervisor I	17
5109	Veterans Assistance Supervisor II	18
5150	Parole Analyst	16
5151	Parole Officer I	14
5152	Parole Officer II	15
5153	Parole Supervisor	18
5155	Parole Officer III	16
5165	Parole Regional Supervisor	20
5190	Youth Activities Supervisor I	07
5191	Youth Activities Supervisor II	09

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
5192	Youth Activities Supervisor III	11
5193	Youth Activities Supervisor IV	12
5201	Houseparent I	06
5203	Houseparent II	08
5204	Houseparent III	11
5206	Workshop Program Director	18
5210	Recreation Program Manager	13
5211	Caseworker I	09
5212	Caseworker II	12
5213	Caseworker III	15
5215	Medical Caseworker/Psychiatric Caseworker	18
5216	Caseworker Assistant	06
5218	Clinical Social Work Assistant	08
5220	Clinical Social Worker I	11
5221	Clinical Social Worker II	13
5222	Clinical Social Worker III	15
5223	Clinical Social Worker IV	17
5224	Clinical Social Worker V	18
5231	Assistant Volunteer Coordinator I	11
5232	Assistant Volunteer Coordinator II	13
5233	Coordinator for Volunteer Services I	15
5234	Coordinator for Volunteer Services II	17
5243	Chief of Volunteer Services	19
5250	Psychologist	16
5251	Clinical Psychologist	17
5252	Psychological Assistant	12
5253	Associate Clinical Psychologist I	15
5254	Associate Clinical Psychologist II	16
5255	Associate Clinical Psychologist III	17
5256	Associate Clinical Psychologist IV	18
5257	Associate Clinical Psychologist V	19
5258	Associate Clinical Psychologist VI	20
5260	Case Manager Assistant	09
5261	Case Manager I	11
5262	Case Manager II	13
5263	Case Manager III	15
5264	Case Manager Supervisor	17
5268	Research Technician I	06
5269	Research Technician II	12
5351	Rehabilitation Teacher I	10
5352	Rehabilitation Teacher II	12
5354	Rehabilitation Caseworker	14
5355	Rehabilitation Assistant I, Commission for the Blind	07
5356	Rehabilitation Assistant II, Commission for the Blind	09
5370	Supervising Business Consultant I, Business Enterprises Program	15
5371	Supervising Business Consultant II, Business Enterprises Program	17
5375	Field Operations Specialist, Business Enterprises Program	17
5377	Supervisor, Field Operations, Commission for the Blind	18
5378	Coordinator of Rehabilitation	16
5401	Program Coordinator, Commission on Alcohol and Drug Abuse	14
5501	Community Service Aide I	02
5502	Community Service Aide II	04

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

(Continued)

Class Number	Position Title	Salary Group
5503	Community Service Aide III	06
5504	Social Services Technician I	07
5505	Social Services Technician II	09
5508	Office Support Clerk	05
5510	Regional Director	21
5511	Assistant Regional Director I	20
5512	Program Specialist I	18
5513	Program Specialist II	19
5514	Chief of Program Evaluation	19
5515	Vocational Rehabilitation Supervisor I	18
5516	Vocational Rehabilitation Supervisor II	19
5517	Quality Control Analyst I	14
5518	Quality Control Analyst II	15
5519	Quality Control Analyst III	16
5521	Quality Control Field Manager	17
5522	Quality Control Section Director	19
5523	Aging Program Specialist I	17
5524	Aging Program Specialist II	18
5525	Aging Program Specialist III	20
5527	Program Specialist III	20
5528	Assistant Regional Director II	21
5530	Child Development Specialist I	09
5531	Child Development Specialist II	11
5532	Child Development Specialist III	13
5533	Child Development Specialist IV	15
5534	Child Development Specialist V	17
5540	Child Support Officer I	11
5541	Child Support Officer II	13
5542	Child Support Officer III	15
5543	Child Support Officer IV	17
5600	Contract Technician I	09
5602	Contract Technician II	11
5604	Contract Technician III	13
5606	Contract Specialist I	15
5607	Contract Specialist II	16
5610	Interpreter I	09
5612	Interpreter II	11
5614	Interpreter III	14
5616	Interpreter IV	16
5618	Interpreter V	18
6025	Accident Code Clerk I	06
6026	Accident Code Clerk II	07
6027	Lead Accident Code Clerk I	07
6028	Lead Accident Code Clerk II	08
6029	Accident Code Supervisor I	09
6030	Accident Code Supervisor II	11
6070	Criminalist I	13
6071	Criminalist II	14
6072	Criminalist III	15
6073	Criminalist IV	16
6074	Criminalist V	17
6075	Criminalist VI	18

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
6076	Supervising Criminalist I	18
6077	Supervising Criminalist II	19
6095	Communications Center Shift Leader	10
6098	Communications Center Operator	07
6099	Communications Center Specialist	08
6100	Police Communications Operator I	11
6103	Police Communications Operator II	12
6104	Police Communications Operator III	13
6105	Supervisor, Police Communications Facility	15
6109	Regional Supervisor, Police Communications	17
6110	Headquarters Communication Center Supervisor	16
6111	Polygraph Examiner I	13
6112	Polygraph Examiner II	15
6113	Latent Print Technician	12
6114	Fingerprint Technician Trainee	10
6115	Fingerprint Technician I	11
6116	Fingerprint Technician II	12
6117	Fingerprint Shift Supervisor	14
6130	Crime Laboratory Evidence Technician	11
6132	Assistant Field Laboratory Manager	20
6148	Forensic Artist	14
6161	Evaluator I	10
6162	Evaluator II	12
6163	Evaluator III	15
6220	Records Technician I, DPS	07
6221	Records Technician II, DPS	09
6222	Records Technician III, DPS	10
6224	Drivers License Technician	08
6225	Drivers License Examiner	10
6705	Chief Investigator, Motor Vehicle Division	18
6707	Supervisor, Motor Vehicles Section	17
6715	Motor Vehicle Transfer Analyst	12
6745	Field Representative I	13
6746	Field Representative II	15
6805	Assistant Superintendent	21
6900	State Capitol Security Police Officer	12
6901	State Capitol Security Police Sergeant	14
6902	State Capitol Security Police Lieutenant	16
6905	State Capitol Security Police Captain	17
6910	Chief of Capitol Security Police	21
7005	Educational Program Director	19
7009	Director, Instructional Media Division	20
7021	Education Specialist I	17
7022	Education Specialist II	18
7032	Archaeologist Assistant	11
7039	Program Officer I	17
7040	Program Officer II	19
7041	Program Officer III	21
7304	Archeologist I	13
7306	Archeologist II	15
7308	Archeologist III	17
7310	State Archeologist	21

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
7315	Historian I	11
7317	Historian II	13
7319	Historian III	15
7401	Librarian I	11
7402	Librarian II	13
7403	Librarian III	15
7404	Library Consultant/Administrator	16
7405	Archivist I	11
7407	Archivist II	13
7409	Archivist III	15
7413	Translator, Spanish	10
7415	Library Assistant I	05
7416	Library Assistant II	07
7417	Library Assistant III	09
7420	Law Librarian I	14
7421	Law Librarian II	16
7450	Medical Librarian	05
7451	Clinical Records Technician	08
7452	Clinical Records Administrator I	14
7453	Clinical Records Administrator II	17
7500	Fish and Wildlife Technician I	08
7501	Fish and Wildlife Technician II	10
7502	Fish and Wildlife Technician III	13
7503	Fish and Wildlife Technician IV	15
7542	Biologist I, Conservation	12
7543	Biologist II, Conservation	14
7549	Biologist III, Conservation	16
7610	Agricultural Supervisor	08
7617	Assistant Agriculture Inspector I	06
7618	Assistant Agriculture Inspector II	08
7619	Assistant Agriculture Inspector III	10
7620	Agriculture Inspector I	12
7621	Agriculture Inspector II	14
7622	Agriculture Inspector III	16
7623	Agriculture Inspector IV	18
7650	Animal Health Inspector I	06
7651	Animal Health Inspector II	08
7652	Animal Health Inspector III	10
7653	Animal Health Inspector IV	12
7654	Animal Health Inspector V	14
7655	Animal Health Area Supervisor	16
7701	Seed Analyst I	08
7702	Seed Analyst II	10
7703	Seed Analyst III	12
7704	Seed Analyst IV	14
7705	Seed Analyst V	16
7730	Agronomist I	12
7731	Agronomist II	15
7732	Agronomist III	18
7734	Marketing Specialist I	12
7735	Marketing Specialist II	14
7736	Marketing Specialist III	16

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

(Continued)

Class Number	Position Title	Salary Group
7737	Marketing Specialist IV	18
7741	Soil Conservationist	17
7805	Operations and Maintenance Supervisor	18
7816	Park Ranger I	06
7817	Park Ranger II	08
7818	Park Ranger III	10
8001	Building Custodian I	02
8009	Building Custodian II	03
8010	Building Custodian III	05
8011	Housekeeping Manager I	11
8012	Housekeeping Manager II	13
8013	Housekeeping Manager III	15
8019	Housekeeping Supervisor I	08
8020	Housekeeping Supervisor II	10
8031	Groundskeeper I	04
8032	Groundskeeper II	05
8033	Groundskeeper III	07
8050	Security Officer I	08
8051	Security Officer II	10
8052	Security Officer III	12
8060	Security Worker I	02
8061	Security Worker II	03
8063	Security Worker III	05
8065	Security Worker IV	07
8102	Food Service Worker I	02
8103	Food Service Worker II	03
8104	Food Service Worker III	05
8115	Cook I	02
8116	Cook II	03
8117	Head Cook I	04
8118	Head Cook II	06
8149	Assistant Food Service Manager	09
8150	Food Service Manager I	13
8151	Food Service Manager II	16
8153	Chief of Food Service Management	18
8158	Dietetic Technician	09
8159	Dietetic Assistant	07
8160	Dietitian I	11
8161	Dietitian II	13
8165	Dietitian III	15
8202	Sewing Room Worker	02
8203	Sewing Room Supervisor	06
8249	Washer	05
8251	Laundry Worker I	02
8252	Laundry Worker II	03
8255	Laundry Supervisor	06
8260	Laundry Manager I	09
8261	Laundry Manager II	11
8262	Laundry Manager III	14
8263	Manager, Laundry and Linen Services	16
8301	Barber I	05
8302	Barber II	06

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
8310	Cosmetologist I	05
8311	Cosmetologist II	06
9001	Helper, Maintenance and Construction	03
9003	Laborer	02
9034	Air Conditioning and Boiler Operator I	07
9035	Air Conditioning and Boiler Operator II	09
9036	Air Conditioning and Boiler Operator III	11
9037	Air Conditioning and Boiler Operator IV	14
9039	Chief Air Conditioning and Boiler Operator	17
9041	Maintenance Mechanic I	06
9042	Maintenance Mechanic II	08
9043	Maintenance Mechanic III	09
9044	Maintenance Mechanic IV	11
9046	Maintenance Mechanic V	13
9047	Electrical and Air Conditioning Mechanic I	11
9048	Electrical and Air Conditioning Mechanic II	12
9049	Electrical and Air Conditioning Mechanic III	14
9050	Chief Electrical and Air Conditioning Mechanic	16
9051	Maintenance Supervisor I	10
9052	Maintenance Supervisor II	12
9053	Maintenance Supervisor III	14
9054	Maintenance Supervisor IV	15
9085	Plant Maintenance Manager I	14
9086	Plant Maintenance Manager II	16
9087	Plant Maintenance Manager III	18
9088	Plant Maintenance Manager IV	20
9089	Plant Maintenance Superintendent	21
9090	General Construction Inspector	18
9091	Chief, Construction and Inspection	20
9094	Building Manager	14
9096	Clerk of the Works I	15
9097	Clerk of the Works II	18
9099	Superintendent of Building and Equipment, Department of Corrections	15
9122	Locksmith	10
9201	Tunnel Guard I	07
9202	Tunnel Guard II	09
9204	Tunnel Machinery Operator	09
9221	Deckhand	09
9223	Oiler	09
9226	Ships Carpenter	09
9228	Maintenance Welder, Ferry	09
9236	Assistant Ferry Manager	14
9238	Ferry Manager	15
9291	Maintenance Construction Supervisor I	14
9292	Maintenance Construction Supervisor II	15
9293	Maintenance Construction Supervisor III	16
9305	Roadway Maintenance Supervisor I	13
9306	Roadway Maintenance Supervisor II	15
9307	Roadway Maintenance Supervisor III	16
9308	Roadway Maintenance Supervisor IV	17
9309	Roadway Maintenance Supervisor V	18
9312	District Roadway Maintenance Superintendent I	17

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
9313	District Roadway Maintenance Superintendent II	18
9314	District Roadway Maintenance Superintendent III	19
9401	Truck Driver I	02
9402	Truck Driver II	05
9403	Truck Driver III, Heavy Vans	09
9416	Motor Vehicle Mechanic I	08
9417	Motor Vehicle Mechanic II	10
9418	Motor Vehicle Mechanic III	12
9421	Motor Vehicle Repair, Supervisor	14
9510	Machinist I	10
9512	Machinist II	12
9514	Machinist III	14
9516	Welder, Combination	08
9518	Welding Technician	16
9533	Sign Superintendent	15
9541	Shop Supervisor I	09
9542	Shop Supervisor II	12
9543	Shop Supervisor III	13
9544	Shop Supervisor IV	15
9548	Equipment and Services Superintendent	17
9620	Aircraft Pilot I	15
9622	Aircraft Pilot II	17
9624	Aircraft Pilot III	19
9626	Chief Pilot	20
9630	Aircraft Mechanic Apprentice	10
9632	Aircraft Mechanic I	13
9634	Aircraft Mechanic II	15
9635	Aircraft Mechanic III	17
9636	Line Chief	17
9638	Senior Aircraft Mechanic and Inspector	19
9642	Chief of Aircraft Maintenance	21
9654	Avionics Manager	19
9711	Radio Mechanic I	09
9712	Radio Mechanic II	11
9713	Radio Tower Technician I	11
9714	Radio Specialist	11
9715	Radio Tower Technician II	13
9716	Communications Electronic Technician I	12
9718	Communications Electronic Technician II	14
9722	Communications Superintendent I	12
9723	Communications Superintendent II	14
9724	Communications Superintendent III	17
9727	Communications Officer	14
9729	Office Machine Service Technician I	09
9732	Office Machine Service Technician II	11
9733	Office Machine Service Technician III	13
9736	Office Machine Service Technician IV	16
9740	Metrologist I	12
9742	Metrologist II	15
9743	Metrologist III	17
9755	Traffic Signal Repair Technician I	09
9756	Traffic Signal Repair Technician II	12

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

Class Number	Position Title	Salary Group
9757	Traffic Signal Repair Technician III	14
9758	Traffic Signal Repair Technician IV	15

CLASSIFICATION SALARY SCHEDULE

(For the Year Beginning September 1, 1995)

Salary Group	1	2	3	4	5	6	7	8
02	11,976	12,336	12,708	13,092	13,464	13,860	14,256	14,676
03	12,708	13,092	13,464	13,860	14,256	14,676	15,132	15,576
04	13,464	13,860	14,256	14,676	15,132	15,576	16,044	16,524
05	14,256	14,676	15,132	15,576	16,044	16,524	17,052	17,640
06	15,132	15,576	16,044	16,524	17,052	17,640	18,192	18,768
07	16,044	16,524	17,052	17,640	18,192	18,768	19,344	19,992
08	17,052	17,640	18,192	18,768	19,344	19,992	20,652	21,348
09	18,192	18,768	19,344	19,992	20,652	21,348	22,032	22,776
10	19,344	19,992	20,652	21,348	22,032	22,776	23,532	24,324
11	20,652	21,348	22,032	22,776	23,532	24,324	25,140	25,980
12	22,032	22,776	23,532	24,324	25,140	25,980	26,832	27,744
13	23,532	24,324	25,140	25,980	26,832	27,744	28,668	29,628
14	25,140	25,980	26,832	27,744	28,668	29,628	30,588	31,656
15	26,832	27,744	28,668	29,628	30,588	31,656	32,700	33,792
16	28,668	29,628	30,588	31,656	32,700	33,792	34,932	36,108
17	30,588	31,656	32,700	33,792	34,932	36,108	37,308	38,544
18	33,792	34,932	36,108	37,308	38,544	39,816	41,160	42,528
19	36,108	37,308	38,544	39,816	41,160	42,528	43,992	45,420
20	38,544	39,816	41,160	42,528	43,992	45,420	46,968	48,552
21	41,160	42,528	43,992	45,420	46,968	48,552	50,160	51,864

CLASSIFICATION SALARY SCHEDULE

(For the Year Beginning September 1, 1996)

Salary Group	1	2	3	4	5	6	7	8
02	11,976	12,336	12,708	13,092	13,464	13,860	14,256	14,676
03	12,708	13,092	13,464	13,860	14,256	14,676	15,132	15,576
04	13,464	13,860	14,256	14,676	15,132	15,576	16,044	16,524
05	14,256	14,676	15,132	15,576	16,044	16,524	17,052	17,640
06	15,132	15,576	16,044	16,524	17,052	17,640	18,192	18,768
07	16,044	16,524	17,052	17,640	18,192	18,768	19,344	19,992
08	17,052	17,640	18,192	18,768	19,344	19,992	20,652	21,348
09	18,192	18,768	19,344	19,992	20,652	21,348	22,032	22,776
10	19,344	19,992	20,652	21,348	22,032	22,776	23,532	24,324
11	20,652	21,348	22,032	22,776	23,532	24,324	25,140	25,980
12	22,032	22,776	23,532	24,324	25,140	25,980	26,832	27,744
13	23,532	24,324	25,140	25,980	26,832	27,744	28,668	29,628
14	25,140	25,980	26,832	27,744	28,668	29,628	30,588	31,656
15	26,832	27,744	28,668	29,628	30,588	31,656	32,700	33,792
16	28,668	29,628	30,588	31,656	32,700	33,792	34,932	36,108
17	30,588	31,656	32,700	33,792	34,932	36,108	37,308	38,544
18	33,792	34,932	36,108	37,308	38,544	39,816	41,160	42,528
19	36,108	37,308	38,544	39,816	41,160	42,528	43,992	45,420
20	38,544	39,816	41,160	42,528	43,992	45,420	46,968	48,552
21	41,160	42,528	43,992	45,420	46,968	48,552	50,160	51,864

SALARY ADMINISTRATION PROVISIONS

1. **Salary Rates for Classified Positions.** For each fiscal year of the biennium beginning September 1, 1995, within the limitation of funds available for salaries of classified positions, annual salary rates for classified positions shall be in accordance with the above Classification Salary Schedules. Except as specifically provided by other provisions of this Act, salaries of state employees who in August 1995 are in classified positions shall be converted to the salary schedule set forth in this Act as follows:
 - a. For the fiscal year beginning September 1, 1995 the salary of an employee, who in August 1995 is paid at a numbered salary step in salary groups 2 through 21, shall be converted to the salary schedule for fiscal year 1996 in this Act at the same numbered salary step in the same salary group in which paid in August 1995.
 - b. For the fiscal year beginning September 1, 1996 the salary of an employee, who in August 1996 is paid at a numbered salary step in salary groups 2 through 21, shall be converted to the salary schedule for fiscal year 1997 in this Act at the same numbered salary step in the same salary group in which paid in August 1996.
2. **Salary When an Employee Changes Salary Status.** An employee who moves, within an agency or transfers from one agency to another, from an exempt position to a classified position, shall receive an annual salary rate in the proper salary group not to exceed the salary step equal to the current salary or the next higher salary step rate.
3. **Adjustments to Salary Rates for Reallocated Positions.**
 - a. Reallocation to a higher salary group -- an employee whose classified position is reallocated by this Act to a higher salary group shall receive the step 1 rate in the higher salary group or the rate which he would have received had his classified position not been reallocated, whichever rate is higher; provided, however, an employee whose classified position is reallocated by this Act to a higher salary group may have his salary adjusted not more than two steps higher than otherwise provided by this section. Such additional adjustment shall be for the purpose of maintaining desirable salary relationships among employees in the affected positions. However, in no case shall the employee advance to a step number in the new salary group higher than the step number held prior to the reallocation.
 - b. Reallocation to a lower salary group -- an employee whose classified position is reallocated by this Act to a lower salary group shall receive the annual rate which he would have received had the position not been reallocated, not to exceed the step 8 rate of the lower salary group.
4. **Reclassification.**
 - a. As provided in the Position Classification Act, a position may be reclassified to another class of work in the Classification Plan as a result of classification audits or of program reorganizations by executive heads, or to a new classification properly established by the Legislature. Reclassification shall not be interpreted to mean a change in the employee's duty assignment, but only shall mean the proper definition of duties and classification of the position based upon duties actually performed by the employee; hence, a position shall be reclassified for the sole purpose of complying with the requirements of the Position Classification Act. When reclassifications are determined to be appropriate, they may be made on a monthly basis.
 - b. Review of positions on September 1 -- all state agencies subject to the Position Classification Act shall review individual job assignments on September 1 of each fiscal year, and may also review job assignments on a monthly basis, to insure that each position is properly classified.

SALARY ADMINISTRATION PROVISIONS

(Continued)

- c. If it is determined that, in compliance with the Position Classification Act, a position should be reclassified to a classification: (a) in a higher salary group, the salary rate of the employee shall be determined in the same manner as prescribed above for reallocation to a higher salary group, or (b) in a lower salary group, the salary rate of the employee shall be determined in the same manner as prescribed above for reallocation to a lower salary group.
 - d. Each agency shall report to the State Classification Office the results of such reviews and the approach used to comply with this subsection and in the event the approach taken is determined by the State Classification Office to be inadequate, compliance audits to determine proper classification shall be undertaken.
5. **Merit Salary Increases.** It is expressly provided that agency administrators may grant merit salary increases to classified employees whose job performance and productivity is consistently above that normally expected or required. Such merit increases shall be subject to the following restrictions:
- a. The Comptroller shall prescribe such accounting and reporting procedures as are necessary to insure the availability of information reflecting each agency's utilization of merit salary increases.
 - b. It is the intent of the Legislature that merit salary increases be applied throughout the classified salary groups utilized by each agency.
 - c. For an employee to be eligible for a merit salary increase, the following additional criteria must be met: (a) the employee must have been employed by the agency in a classified position for at least six continuous months prior to the award, (b) at least twelve months must have elapsed since the employee's last promotion, demotion, or merit salary increase, and (c) agency criteria for granting merit salary increases must include specific criteria and documentation to substantiate the granting of more than a one step merit increase.
6. **Promotions.** A promotion means a change in duty assignment of an employee within an agency from a position in one classification to a position in another classification in a higher salary group requiring higher qualifications such as a greater skill or longer experience, and involving a higher level of responsibility. When an employee is promoted to a position in a higher salary group, he will receive at least a rate one increment higher than his salary rate before promotion or the minimum rate of the new salary range, whichever is higher, and may, at the discretion of the agency administrator, receive an annual rate up to and including the rate designated by the same step number which designated his former rate.
7. **Demotions.** Demotion means a change in duty assignment of an employee from a position in one classification to a position in another classification in a lower salary group. An employee who is demoted shall have his salary reduced at least to a rate one increment below the rate he received before demotion.
8. **Salary Reduction for Disciplinary Reasons.** If a classified employee's performance so warrants, the executive head may reduce his salary for disciplinary reasons to a step rate in the designated salary group no lower than the minimum step rate. The employee's pay may be restored to any step rate in the range up to and including his prior rate as such employee's performance improves.

SALARY ADMINISTRATION PROVISIONS

(Continued)

9. **Reductions in Force.** Notwithstanding agency rules, regulations, personnel handbooks or policies, agencies undergoing statutorily mandated reorganizations may institute reductions in force occurring as a direct result of the reorganizations.
10. **Salary Limited to Maximum Step Rate.** No salary adjustment authorized by this section shall result in an employee receiving an annual salary rate in excess of the maximum rate of the salary group to which his classified position is allocated.
11. **Temporary Assignment.** To facilitate the work of state agencies, any classified employee may, during emergencies or other special circumstances, be temporarily assigned to other duties for a period not to exceed six months and during that time may receive the appropriate rate of pay. An employee may not be assigned to those duties for more than six months during a twelve month period. During a temporary assignment, an agency may not:
 - a) award a merit salary increase to the employee, b) promote or demote the employee, or
 - c) reduce the employee's salary.
12. **Part-time Employees.** Regular full-time positions paid out of funds appropriated may also be filled by part-time employees. In computing the salaries of these employees, the rates of pay shall be proportional to the rates authorized for full-time classified employment or to the applicable exempt position. It is further provided that part-time employees as described in this subsection shall be subject to all of the provisions of this section.
13. **Hourly Employees.** It is the intent of the Legislature that hourly employees shall receive per hour rate increases proportionate to those provided in this Act for full-time salaried classified employees.
14. **Salary Supplementation.**
 - a. No employee holding a position classified in this Act under the authority of the Position Classification Act or an exempt position for which the salary is specifically set in or pursuant to this Act may receive a salary supplement from any source unless a specific grant of authority is provided in this Act or as provided by general law.
 - b. None of the funds appropriated by this Act to departments, agencies and institutions of higher education shall be expended for payment of salary to any person whose classified or exempt salary is being supplemented from other than appropriated funds until a report showing the amount and sources of salary being paid from other sources has been reported to the Secretary of State and Comptroller of Public Accounts.
15. **Exemption of Positions by the Governor.** Appropriations may be used to pay the salaries of positions exempted from the position classification plan by the Governor under authority granted in Section 2. of the Position Classification Act, Section 654.012(12)(A), Government Code, with the limitation that appropriations may be used only to pay the salaries of bona fide new positions established to carry out duties in relation to programs, functions, etc., that were not anticipated and, therefore, not funded under this Act. It is expressly provided that this authorization does not extend to the use of appropriations to adjust the salary of any exempt position retitled solely for the purpose of adjusting salaries that have already been established either in or through this Act and any position exempted from the Position Classification Plan by the Governor shall contain a certification that the exemption is for a bona fide new position. No payment of funds for a position exempted by the Governor shall be made by the Comptroller of Public Accounts until formal notification of the action of the Governor to exempt the position has been filed with the State Classification Officer and the Legislative Budget Board. A position exempted by the Governor in the first year of this biennium may be continued and the NTE rate established for the position may be adjusted

SALARY ADMINISTRATION PROVISIONS (Continued)

the second year of the biennium at a rate no higher than the rate set forth in this Act for adjusting classified positions.

16. Exempt Positions and Classified Salary Rates.

- a. Exempt positions and compensation rates authorized for fiscal years 1994 and 1995 pursuant to Article V, Section 1, subsection 17.a., of Senate Bill 5, Seventy-third Legislature, Regular Session, as may be adjusted for any across-the-board salary increases authorized in that Act or in this Act, are hereby reauthorized effective September 1, 1995 and shall receive compensation at a rate not to exceed the amount established by this authorization.

The maximum compensation rate authorized by the preceding paragraph for an exempt position not listed in a "Schedule of Exempt Positions" may be adjusted by the agency administrator in an amount not to exceed 1.7% during any fiscal year. A maximum compensation rate adjusted pursuant to this provision during fiscal year 1996 may be readjusted during fiscal year 1997 pursuant to this paragraph.

- b. Agencies covered by Section 1 of this article shall make employments of personnel in accordance with the provisions of the Position Classification Plan. Agencies may utilize classified position titles as appropriate and may determine, at the time of initial employment by the agency, the step within the applicable salary pay group for personnel employed under the Position Classification Plan.

17. Scheduled Exempt Positions.

- a. A position listed in a "Schedule of Exempt Positions" shall receive compensation at a rate not to exceed the amount indicated in that schedule.
- b. In the event that the compensation rate for a position listed in a "Schedule of Exempt Positions" is at a rate in excess of the maximum rate authorized for the same position by Senate Bill 5, Seventy-fourth Legislature, Regular Session, such adjustment shall not be construed as an award of a salary increase to the individual occupying that position but shall be construed only as a grant of authority to the agency governing board or commission to adjust the actual salary paid, within the limitations contained in this Act.
- c. An exempt position listed in a "Schedule of Exempt Positions" for which the term "Group", followed by an arabic numeral, is indicated, may receive compensation at a rate within the range indicated below for the respective salary group indicated but not to exceed the amount indicated in the agency "Schedule of Exempt Positions", as determined by future legislative actions.

Scheduled Exempt Position Salary Rates

Group	Minimum Salary	Maximum Salary
1	\$ 36,000	\$ 65,700
2	51,840	77,760
3	61,380	92,070
4	72,720	109,080
5	86,100	129,150
6	102,000	157,500

18. **Personnel and Payroll Reporting Procedures.** To facilitate pre-audit of payrolls and classification audits to assure conformity with the provisions of this Act, and to provide the Legislative Audit Committee with current information on employment and wage rate practices in the state government, the Comptroller and the State Auditor shall jointly promulgate and issue uniform procedures for personnel and payroll reporting for all state agencies.

OTHER EMPLOYMENT POLICIES AND PROVISIONS

Sec. 2. Method of Salary Payments.

1. All annual salaries appropriated by this Act are for full-time employment unless specifically designated as part-time or other and shall be paid in twelve (12) equal monthly installments, except as otherwise provided in Article II of this Act. Except for patrolmen and other law enforcement positions in the Department of Public Safety which shall be paid only at the annual rates stipulated in the particular language accompanying the appropriations therefor, this paragraph shall not be construed so as to prevent the head of any other agency of the state from paying less than the maximum salary rates specified in this Act for positions, or the employment of part-time employees to fill regular positions provided for in this Act, so long as the salary rates for such part-time employees are proportional to the regular rates for full-time employment. The equivalent monthly rate of pay for annual employees maintaining a 40-hour work week and covered under Chapter 658, Government Code, shall be determined by dividing the annual salary by twelve (12). The hourly rate for a given month shall be determined by dividing the monthly rate by the number of working hours in that month. This basis applies to partial pay and other special situations. When a full-time or regular part-time employee is on leave without pay, compensation for that particular pay period shall be reduced at the equivalent hourly rate of pay times the number of work hours lost by being on leave without pay.

Facilities of the Texas Department of Mental Health and Mental Retardation in Article II and the agencies of higher education, and the schools for the blind and deaf in Article III of this Act which make contracts for less than a twelve-month period may pay salaries in equal monthly payments for the period contracted for.

2. Agencies having a "**Schedule of Exempt Positions**" following their appropriation may expend funds to employ those positions designated as exempt at rates not to exceed the rates shown. Each title authorizes one position unless the title is followed by a number indicating the number of positions authorized or by (UL) which authorizes an unlimited number of positions for such position title.

The number of authorized positions in a title shown in the "Schedule of Exempt Positions" may be exceeded only under the following conditions: (1) for the purpose of hiring a replacement in a key management position as certified by the agency head, (2) the current incumbent of the position must have formally resigned or otherwise announced irrevocable plans to vacate the position, (3) the position number limitation may be exceeded for no more than one full calendar month per year per position, (4) reporting such exceptions will be made in such manner as prescribed for payroll reporting procedures.

3. No deduction shall be made from the salary or wages of any state employee who is called for jury service; nor shall such employee be required to account to the state for any fee or compensation received for jury service.
4. None of the moneys appropriated under this Act shall be used for the payment of salaries to any employee who accepts witness fees in contravention of the following provisions:

OTHER EMPLOYMENT POLICIES AND PROVISIONS

(Continued)

Any state official or employee called to appear in his official capacity in any judicial action or legislative investigation shall neither accept nor receive any witness fees for such a governmental appearance;

But if the appearance as a witness is not in an official capacity but is to testify from personal knowledge concerning matters related to the inquiry, then such employee or official shall be entitled to any customary witness fees;

And any state employee or official appearing as an expert witness shall be entitled to accept compensation for his appearance only when such appearance shall be made on his own time;

But this prohibition against accepting compensation shall not extend to any mileage or per diem allowance tendered to the state employee or official for expenses incurred while serving as a witness, unless the state official or employee has also made a claim for such expenses against the state, and in no instance shall there be double reimbursement for expenses.

5. Overtime.

- a. **Employees Subject to FLSA.** An employee who is subject to the overtime provisions of the Fair Labor Standards Act of 1938, 29 U.S.C. Secs. 201 et seq., (FLSA) is entitled to compensation for overtime as provided by that Act and this subdivision.

An employee who is required to work hours in excess of 40 hours in a workweek is entitled to compensation for the excess hours either by:

- (1) the agency allowing (or requiring) the employee to take compensatory time off at the rate of 1-1/2 hours off for each hour of overtime; or
- (2) at the discretion of the employing agency, in cases in which granting compensatory time off is impractical, the employee receiving pay for the overtime at the rate equal to 1-1/2 times the employee's regular rate of pay.

Any paid leave or holidays taken are not counted as hours worked in determining overtime hours under the preceding paragraph.

Each employee may accumulate overtime credit of not more than 240 hours, except that an employee engaged in a public safety activity, an emergency response activity, or a seasonal activity may accumulate not more than 480 hours. Employees must be paid for overtime worked in excess of the limits on accumulation, at the rate equal to 1-1/2 times the employee's regular rate of pay.

In situations in which the employee has not worked more than 40 hours in a workweek but the total of hours worked and hours of paid leave or paid holidays exceeds 40 hours, the employee shall be allowed equivalent compensatory time off for the excess hours. In situations in which the employee has worked more than 40 hours in a workweek and the total of hours worked and hours of paid leave or paid holidays exceeds 40 hours after subtracting FLSA overtime hours worked, the employee shall be allowed equivalent compensatory time off for such excess hours. The compensatory time must be taken during the 12-month period following the end of that workweek. Compensatory time under this paragraph may not be carried forward past the end of the 12-month period and an employee may not be paid for the unused time. As an exception to the provisions in this paragraph, however, employees of institutions of higher education or employees engaged in a public safety activity, including but not restricted to highway construction and maintenance or an emergency response activity, may be paid for compensatory time

OTHER EMPLOYMENT POLICIES AND PROVISIONS

(Continued)

hours on a straight-time basis when the taking of compensatory time off would be disruptive to normal teaching, research, and other critical functions.

Exceptions to the workweek overtime calculation for hospital, fire protection, and law enforcement activities (including security personnel in correctional institutions) shall be made in accordance with the FLSA.

- b. **Employees Not Subject to FLSA.** An employee who is not subject to the overtime provisions of the FLSA may be allowed compensatory time off for hours in excess of 40 hours in a workweek in which the combination of hours worked, paid leave, and holidays exceeds a total of 40 hours.

An employee who is exempt as an executive, professional, or administrative employee under 29 U.S.C. Sec. 213 (FLSA), may be allowed compensatory time off during the 12-month period following the end of the workweek in which the overtime was accrued, at a rate not to exceed equivalent time.

In accordance with the provisions set forth in 29 CFR, Part 541, Section 541.118 and subject to that section's exceptions provided below, an employee who is exempt as an executive, professional, or administrative employee under 29 U.S.C. Sec. 213(a)(1) (FLSA) shall receive full salary for any week in which work is performed without regard to the days and number of hours worked. This is also subject to the general rule that an employee need not be paid for any workweek in which the employee performs no work.

- (1) Deductions may be made when the employee absents himself/herself from work for a full day or more for personal reasons, other than sickness or accident. However deductions may not be made for absences caused by jury duty, attendance as a witness at a judicial action, or temporary military leave.
- (2) Deductions may also be made for absences of a day or more occasioned by sickness or disability (including workers' compensation accidents) if the deduction is made after exhaustion of paid sick leave or workers' compensation benefits.
- (3) Deductions may also be made for penalties imposed for infractions of significant safety rules relating to prevention of serious danger to the workplace or other employees.

Further, in accordance with the special provisions applicable to executive, professional, or administrative employees of public agencies set forth in CFR, Part 541, Section 541.5d, an employee's pay may be reduced for absences for personal reasons or because of illness or injury of less than one work day when accrued leave is not used by the employee because -

- (1) permission for its use has not been sought or has been sought and denied;
- (2) accrued leave has been exhausted; or
- (3) the employee chooses to use leave without pay.

In addition, in accordance with Section 541.5d, deductions from the pay of an executive, professional, or administrative employee for absences due to a budget-required furlough shall not disqualify the employee from being paid "on a salary basis" except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

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If deductions have been inadvertently made in contradiction to Department of Labor regulations, reimbursement will be made retroactively to the affected employees.

An employee who is not subject to the FLSA because of 29 U.S.C. Sec. 203(e)(2)(C), as a staff member, appointee, or immediate adviser of an elective officeholder, may be allowed compensatory time off under the terms and conditions determined by the officeholder.

Employees covered by this subdivision may not be paid for any unused compensatory time.

- c. No employee, whether or not subject to FLSA, shall accrue state compensatory time during any week unless the combination of paid leave and hours worked exceeds 40 hours.
- d. Article X Employees. Subdivisions (a), (b) and (c) of this subsection do not apply to an employee compensated from funds appropriated under Article X of this Act. Consistent with the requirements of the FLSA, overtime pay and compensatory time off for employees of the House or Senate shall be determined by the presiding officer of the respective houses, and for all other employees shall be determined by the administrator of the agency involved or the employing officeholder.

Sec. 3. Salary Payment, Withholdings, Deductions, and Matching Contributions. The disbursement of moneys appropriated in this Act for salaries and wages shall be subject to the provisions of Public Law No. 68, Seventy-eighth Congress, known as the Current Tax Payment Act of 1943, and any amendments thereto. The officers and employees of agencies for which appropriations are made by this Act also are authorized to make retirement deductions in accordance with the Teachers Retirement or Employees Retirement or Judiciary Retirement Acts on payroll forms prescribed by the Comptroller of Public Accounts, and the Comptroller is directed to issue warrants accordingly. The Comptroller shall also prescribe rules and procedures for agencies to follow in making adjustments to payrolls for periods following the period in which an inaccurate payment, deduction or other error occurred.

In each instance in which an operating fund or account is created and named by statute, the responsible officials of the state are authorized to transfer into such operating fund or account sufficient moneys from treasury funds, local, institutional and federal funds to pay proportionally the costs of matching state employees' retirement contributions and the state's share of Old Age and Survivors Insurance.

Sec. 4. Per Diem of Board or Commission Members.

- 1. As authorized by Section 659.032, Government Code, the per diem of state board and commission members shall consist of (1) compensatory per diem, if specifically authorized by law, at \$30 per day; (2) reimbursement of actual expenses for meals and lodging not to exceed \$80 per day when traveling within the State of Texas and reimbursement of actual expenses for meals and lodging when traveling outside of the State of Texas in an amount not to exceed the rates specified in Sections 15.3 and 15.4 of this article; and (3) reimbursement of transportation and incidental expenses at the rates specified in this Act for state employees.
- 2. If a law enacted after former Article 6813f, V.T.C.S., authorizes per diem for members of a particular state board or commission, but does not specify the amount of the per diem, then the amount of the per diem shall be as listed in the preceding subsection.

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3. Agencies having a "Schedule of Exempt Positions and Per Diem of Board (or Commission) Members" following their appropriations may expend appropriations for board or commission member compensatory per diem in an amount not to exceed amount specified in such schedule for each respective fiscal year.
4. No full time employee paid from funds appropriated by this Act shall be paid both a salary and compensatory per diem for concurrent service as a state employee and as a board or commission member.

Sec. 5. Political Aid and Legislative Influence Prohibited. None of the moneys appropriated by this Act, regardless of their source or character, shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure. This prohibition shall not be construed to prevent any official or employee of the state from furnishing to any Member of the Legislature or committee upon request, or to any other state official or employee or to any citizen information in the hands of the employee or official not considered under law to be confidential information. Any action taken against an employee or official for supplying such information shall subject the person initiating the action to immediate dismissal from state employment.

No funds under the control of any state agency or institution, including but not limited to state appropriated funds, may be used directly or indirectly to hire employees or in any other way fund or support candidates for the legislative, executive, or judicial branches of government of the State of Texas or the government of the United States.

None of the funds appropriated by this Act shall be expended in payment of the salary for full-time employment of any state employee who is also the paid lobbyist of any individual, firm, association or corporation. None of the funds appropriated by this Act shall be expended in payment of the partial salary of a part-time employee who is required to register as a lobbyist by virtue of the employee's activities for compensation by or on behalf of industry, a profession or association related to operation of the agency or institution for which the person is employed. A part-time employee may serve as a lobbyist on behalf of industry, a profession or association so long as such entity is not related to the agency with which he or she is employed.

No employee of any state agency shall use any state-owned automobile except on official business of the state, and such employees are expressly prohibited from using such automobile in connection with any political campaign or any personal or recreational activity.

None of the moneys appropriated by this Act shall be paid to any official or employee who violates any of the provisions of this section.

The head or heads of each agency of the state shall furnish each employee of such agency with a copy of the five (5) paragraphs immediately preceding this one, and shall take a receipt therefor from each employee. The preceding sentence shall not be construed to mean that new receipts are to be obtained each year from continuing employees who have previously receipted for copies of identical provisions prohibiting political aid and legislative influence. The receipts shall be kept accessible for public inspection.

It is provided, however, that nothing in this section shall be construed as prohibiting the payment of reasonable dues to an organization that is designed to represent student interests in the state legislature or federal congress from that portion of mandatory student service fee collections that is allocated to the student government organization at an institution of higher education. Nothing herein shall be construed to permit such mandatory student service fees to be used to influence the outcome of any election.

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(Continued)

Sec. 6. Publicity of Individuals Restricted. None of the moneys appropriated by this Act shall be used by any agency of the state government for the purpose of publicizing or directing attention to any individual official or employee of any agency of the state government.

It is also provided that none of the moneys appropriated by this Act shall be used by any agency of the state government for maintaining any publicity office or department, or for the employment of any person who has the title or the duties of a public relations agent, or press agent, or for paying any public relations firm or agent.

The policy and restrictions set out in this section shall not be interpreted to prevent the head of any agency of the state, when he deems it necessary or desirable in the public interest, to issue through any of such agency's officials or employees any statement or information respecting the work, legal responsibilities, or activities of such agency. Such statement shall be issued, or such information imparted, in the name of the agency of the state and shall have attached thereto the name of the official or employee authorized to issue the same.

It is also provided that any agency of higher education may continue to maintain and operate a news and information service for the benefit of the public which has been specifically authorized and approved by the governing board of such agency of higher education.

Sec. 7. Employee Working Hours and Holidays. It is further provided that moneys appropriated for salaries and wages in this Act shall be expended only in accordance with the following conditions and limitations and pursuant to Chapter 658, Government Code.

1. State offices shall remain open during the noon hours each working day with at least one person on duty to accept calls, receive visitors, or transact business.
2. Agencies may stagger the work day of their personnel. All agencies shall be open between the hours of 8:00 A.M. and 5:00 P.M. and shall maintain the eight-hour day and 40-hour week as provided in Chapter 658, Government Code.
3. Except as provided elsewhere in this Article, holidays for state employees including hourly wage workers for each year covered by this Act shall be those specified in Section 662.003, Government Code. Except as provided elsewhere in this Article, holidays for employees of institutions and agencies of higher education are as provided in Section 662.011, Government Code.

For institutions and agencies of higher education, a regular employee is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition for employment. Only regular employees of institutions of higher education shall be eligible for paid holidays.

Each state agency and institution and agencies of higher education will, during the biennium, have on hand enough personnel to carry on the activities of each institution or agency on a state holiday, as defined by statute, so that the public business can be carried on during that period. However, this does not apply to a state holiday that falls on a Saturday or Sunday, the Friday immediately following the fourth Thursday in November, the 24th day of December, or the 26th day of December.

Those employees who are working during a national holiday or a state holiday period will be allowed compensatory time off during the twelve-month period following the date of the holiday worked. The supervisor in charge may require the employee to give reasonable notice in advance of taking compensatory time off but may not require that the employee

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specify the reason for which the compensatory time is to be taken. As an exception to the provisions in this paragraph, however, employees of institutions of higher education may be paid for compensatory time hours on a straight-time basis when the taking of compensatory time off would be disruptive to normal teaching, research, and other critical functions.

Agencies who have work schedules other than provided in Section 658.005, Government Code, will insure that employees working these schedules observe the equivalent number of holidays each year as employees working normal office hours.

A state employee is entitled to observe Rosh Hashanah, Yom Kippur, and Good Friday in lieu of any holiday or holidays on which the employee's agency or institution is required by this provision to be open and staffed to conduct the public business.

It is specifically provided, however, that the benefit provisions of this section apply to the employees of the House of Representatives and Senate only at the discretion of the presiding officer or the administration committee of each house.

- 4. Other provisions of this Act notwithstanding, state agencies shall not observe as a holiday days on which an election is held throughout the state. However, employees shall be allowed sufficient time off without deduction from pay or leave time accrued to vote.
- 5. Each state agency and institution and agencies of higher education shall adjust the work schedule of any employee who is a member of the National Guard or any Reserve Component of the Armed Forces so that two of the employee's non-work days per month coincide with two days of military duty to be performed by the employee, it being the intent of the Legislature to facilitate participation in military duties by state employees.

Sec. 8. Employees Vacations and Leaves.

- 1. Other than faculty with appointments of less than twelve months at institutions of higher education and other than instructional employees with contracts for periods of less than twelve months at the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf, employees of the state shall, without deduction in salary be entitled to a vacation in each fiscal year. Part-time employees will accrue vacation leave on a proportionate basis and the maximum carryover will also be proportionate. Such entitlement shall be earned in accordance with the following schedule:

Employees With Total State Employment Of:	Hours Accrued Per Month for Full-time Employment	Maximum Hours to Carry Forward From One Fiscal Year to Next Fiscal Year for a Full-time Employee
0 but less than 2 years	7	168
2 but less than 5 years	8	232
5 but less than 10 years	9	256
10 but less than 15 years	10	280
15 but less than 20 years	12	328
20 and over years	14	376

An employee will earn vacation entitlement beginning on the first day of employment with the state and terminating on the last day of duty. Vacation entitlement is accrued at the applicable rate cited above. Credit for one month's accrual will be given for each month or

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fraction of a month of employment with the state and will be posted to each employee's leave record on the first day of employment with the state and on the first of each succeeding month of employment thereafter. Vacation with pay may not be granted until the employee has had continuous employment with the state for six (6) months, although credit will be accrued during that period.

Credit for the higher rate of accrual as shown on the chart above shall be given on the first calendar day of the month if the employee's anniversary date falls on the first calendar day of the month; otherwise, the increase will occur on the first calendar day of the following month. If an employee begins working in a position that accrues vacation leave on the first workday of the month, the employee is deemed to have begun working on the first calendar day of the month for the purpose of this subsection.

The net balance of unused accumulated leave not to exceed the maximum cited above shall be carried forward for any employee from fiscal year 1995 to fiscal year 1996 and from fiscal year 1996 to fiscal year 1997.

All hours of unused accumulated vacation leave which are lapsed at the end of a fiscal year by operation of this subsection may be credited to the employee's sick leave balance as of the first day of the next fiscal year.

In computing vacation time taken, time during which any employee is excused from work because of holidays shall not be charged against the employee's vacation.

None of the funds appropriated by this Act may be used to pay a state employee or former state employee who resigns, is dismissed, or has otherwise separated from state employment, for vacation time accrued at the time of separation from the state unless:

- a. the individual's employment with the state had been continuous for a period of six (6) months, and
 - b. the individual has not been reemployed by a state agency which grants vacation time within a period of 30 days from the date of separation from the state employment.
2. Employees of the state shall, without deduction in salary, be entitled to sick leave subject to the following conditions:

An employee will earn sick leave entitlement beginning on the first day of employment with the state and terminating on the last day of duty. Credit for one month's accrual will be given for each month or fraction of a month of employment with the State and will be posted to each employee's leave record on the first day of employment with the State and on the first day of each succeeding month of employment thereafter.

Sick leave entitlement shall be earned at the rate of eight (8) hours for each month or fraction of a month employment for a full-time employee, and shall accumulate with the unused amount of such leave carried forward each month. Part-time employees shall accrue sick leave on a proportionate basis. Sick leave accrual shall terminate on the last day of duty.

Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty or when the employee is needed to care and assist a member of his immediate family who is actually ill. For purposes relating to regular sick leave, immediate family is defined as those individuals who reside in the same household and are related by kinship, adoption or marriage, as well as foster children

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(Continued)

certified by the Texas Department of Protective and Regulatory Services. Minor children of the employee, whether or not living in the same household, will be considered immediate family for purposes of regular sick leave. An employee's use of sick leave for family members not residing in that employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child or parent of the employee who needs such care and assistance as a direct result of a documented medical condition. An employee who must be absent from duty because of illness shall notify his supervisor or cause him to be notified of that fact at the earliest practicable time.

To be eligible for accumulated sick leave with pay during a continuous period of more than three (3) working days, an employee absent due to illness shall send to the administrative head of his employing agency a doctor's certificate showing the cause or nature of the illness, or some other written statement of the facts concerning the illness which is acceptable to such administrative head.

Upon return to duty after sick leave the employee concerned shall, without delay, complete the prescribed application for sick leave and submit the same through proper channels to the appropriate approving authority for his consideration.

Exceptions to the amount of sick leave an employee may take may be authorized by the administrative head or heads of any agency of the state provided such exceptions are authorized on an individual basis after a review of the merits of such particular case. A statement of any such authorized exceptions or the reasons for them shall be attached to the state agency's duplicate payroll voucher for the payroll period affected by such authorized exceptions. Agencies are required to have a written statement filed with the State Auditor covering the policies and procedures to be used for the extension of leave in this manner and shall make this statement available to all employees. Faculty members at institutions of higher education must submit prescribed leave forms for all sick leave even though no classes were missed if the absence occurred during the normal workday for regular employees.

3. The administrative head of an agency shall grant an emergency leave to an employee because of a death in the employee's family. The death of the employee's spouse, or the employee's or spouse's parents, brothers, sisters, grandparents, grandchildren and children shall constitute adequate need for emergency leave. The administrative head of the agency may make a determination on other reasons for emergency leaves and shall grant an emergency leave, when in his determination, the employee shows good cause.

For institutions and agencies of higher education, a regular employee is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition for employment. Only regular employees of institutions and agencies of higher education shall be eligible for paid vacation and leave as provided herein.

4. A leave of absence with full pay shall be provided any state employee who is called to active duty with the National Guard by the Governor of Texas because of an emergency in accordance with Section 431.085, Government Code, as added by Section 20, Chapter 268, Acts of the Seventy-third Legislature, Regular Session, 1993.

Employees shall be entitled to leave of absence from their respective duties without loss of time or efficiency rating or vacation time or salary on all days during which they shall be engaged in authorized training or duty ordered or authorized by proper authority, for not to exceed fifteen (15) days in any one federal fiscal year as provided in Section 431.005, Government Code.

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An employee called to active duty during a national emergency by a reserve branch of the United States Armed Forces shall have a leave of absence. The employee shall not lose the ability to accrue state service credit while on active duty but shall not accrue vacation or sick leave. However, the employee shall retain any accrued vacation or sick leave and shall be credited with such balances upon return.

State employees who are volunteer firemen shall also be granted a leave of absence with full pay to attend training schools conducted by state agencies provided such leave does not exceed five (5) working days in any one fiscal year. State agencies and institutions may grant leave with full pay to volunteer firemen for the purpose of responding to emergency fire situations provided that the agency or institution has an established policy for the granting of such leave time. A leave of absence authorized by this subsection shall not be charged against the employee's vacation or sick leave privileges provided by this Act.

A state employee, who is a foster parent to a child under the conservatorship of the Department of Protective and Regulatory Services, is entitled to a leave of absence with full pay for the purpose of attending staffing meetings held by the Department of Protective and Regulatory Services regarding the child under the foster care of the employee, or to attend the Admission, Review and Dismissal (ARD) meeting held by a school district regarding the child under the foster care of the employee.

Any State employee, who is a certified disaster service volunteer of the American Red Cross or who is in training to become such a volunteer, with the authorization of the employee's supervisor, may be granted a leave not to exceed ten days each year to participate in specialized disaster relief services for the American Red Cross, upon the request of the American Red Cross and with approval of Governor's office, without loss of pay, vacation time, sick leave or earned overtime, and/or compensatory time. Notwithstanding this provision, the pool of state employees certified disaster volunteers shall not exceed 200 participants at any one time during fiscal year 1996 and 350 participants at any one point in time during fiscal year 1997. A list of such employees will be coordinated with the Division of Emergency Management and Governor's office. Within sixty days of any request made by the American Red Cross, a report shall be prepared by the American Red Cross for the Legislative Budget Board setting forth the reasons and needs for any request made.

5. A state employee who transfers directly from one State agency to another, shall be given credit by the receiving agency for the unused balance of this accumulated vacation and sick leave, provided that his employment with the state is uninterrupted.
6. Funds appropriated in this Act may be used to pay the estate of an employee when the employee dies while employed by the State of Texas for: (1) all of the employee's accumulated vacation leave and (2) one-half of the employee's accumulated sick leave, or for 336 hours of sick leave, whichever is less, provided that requirement and limitations in Subchapter B, Chapter 661, Government Code, are satisfied.
7. In addition to maintaining an official personnel file on each employee containing an application for employment and other records normally placed in a personnel file, the administrative head or heads of each agency of the state shall require time and attendance records, a record of the vacation and sick leave accrual and absences of each employee, and the reasons therefor whether from sickness, vacation, other paid leave, or leave of absence without pay. Such records shall be available for public inspection in keeping with the provisions of the Chapter 552, Government Code.

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(Continued)

8. The State Auditor shall provide a uniform interpretation of the provisions herein contained on employee vacations and leaves, and shall report to the Governor and the Legislature any exceptions practiced by the various entities of the state government.
9. It is specifically provided, however, that the benefit provisions of this section apply to employees of the House of Representatives and Senate only at the discretion of the presiding officer of each House.
10. An employee separated from employment with the state under a formal reduction-in-force shall have his sick leave balance restored if reemployed by the state within twelve months of termination. An employee separated for other reasons shall also have his sick leave balance restored if reemployed by the state within twelve months of termination, provided there has been a break in service of at least one month since termination.
11. Agencies may grant employees leave without pay or leave of absence without pay subject to the following provisions:
 - a. Such leaves will be limited in duration to twelve (12) months.
 - b. Except for disciplinary suspensions, active military duty, and workers compensation situations all accumulated paid leave entitlements must be exhausted before granting such leaves, with the additional provision that sick leave must be exhausted only in those cases where the employee is eligible to take sick leave, as provided in Section 8(2) above.
 - c. Subject to fiscal constraints, approval of such leaves constitutes a guarantee of employment for a specified period of time.
 - d. The administrative head of an agency may grant exceptions to these limitations for such reasons as interagency agreements or educational purposes.
 - e. Except in the case of an employee returning to state employment from military leave without pay, any full calendar month (i.e., from the first day of a month through the last day of a month, inclusive) in which an employee is on leave without pay, shall not be counted in the calculation of total state service for purposes of longevity pay or vacation leave entitlements. No employee shall accrue vacation or sick leave for such month. Further, any such full calendar month of leave without pay shall not constitute a break in continuity of employment but shall not be included in the calculation of the minimum number of continuous months of employment set forth in this article under the merit salary provisions, Section 1(5)(c)(a), and under Employees Vacations and Leaves, Section 8(1), last paragraph.
12. A state employee who is blind is entitled to a leave of absence with full pay for the purpose of attending a training program to acquaint the employee with a seeing-eye dog to be used by the employee. The leave of absence provided by this subsection may not exceed 10 working days in a fiscal year. The leave of absence provided by this subsection is in addition to other leave to which an employee is entitled, and an employee continues to accrue vacation and sick leave while on leave as provided by this subsection. For purposes of this subsection, "blind" has the meaning assigned by Section 91.002(2), Human Resources Code.
13. In addition to employee leave authorized elsewhere in this Article, administrative leave with pay may be granted by the head of an agency as a reward for outstanding performance as documented by employee performance appraisals. In no event shall the aggregate amount of

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(Continued)

administrative leave granted pursuant to this subsection exceed 32 hours during any fiscal year.

14. a. State employees who have been employed for 12 months by the state, and who have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of leave, are hereby entitled to leave pursuant to the Federal Family and Medical Leave Act (FMLA) provided that the employee utilizes all available applicable paid vacation and sick leave while taking leave pursuant to this provision. As an exception to the requirement to utilize all paid vacation and sick leave, employees on FMLA leave who are receiving temporary disability benefit payments or workers' compensation benefits shall not be required to utilize paid vacation or sick leave while on such leave.
- b. Those employees with less than 12 months of state service or who have worked less than 1,250 hours in the 12-month period immediately preceding the commencement of leave are eligible to take a parental leave of absence, not to exceed 12 weeks, provided that the employee utilizes all available applicable paid vacation and sick leave while taking leave pursuant to this subdivision. The leave authorized by this subdivision is limited to, and begins with the date of, the birth of a natural child or the adoption or foster care placement of a child under three years of age.

Sec. 9. Multiple Employments with the State.

1. **General Provisions.** A person who is legally employed by more than one Texas state agency or institution of higher education may not receive benefits from the state in excess of those provided for one full-time employee. The person is subject to the following provisions and must be informed of them before the person becomes employed by more than one agency or institution:
 - a. Separate vacation and sick leave records must be maintained for each employment. When the person terminates from one employment, the person's leave balances that were accrued under that employment may not be transferred to the remaining employments.
 - b. The person accrues state service credit for all purposes as if the employee had only one employment.
 - c. The state's contribution towards the taxes imposed on the person by the Federal Insurance Contributions Act may not exceed the overall limit specified elsewhere in this Act. The Comptroller shall prescribe uniform accounting and reporting procedures to ensure that the contribution does not exceed this limit.
 - d. The total state contribution towards the person's group insurance is limited to the amount specified elsewhere in this Act for a full-time active employee.
 - e. Overtime compensation accrues to an employment independently of every other employment with the following exception. If the person is subject to the overtime provisions of the Fair Labor Standards Act of 1938 (FLSA) in an employment, the employing agencies and institutions must ensure that the person is compensated for all combined time worked in excess of 40 hours per week according to the FLSA overtime provisions. The agencies and institutions shall coordinate to determine which agency or institution is responsible for ensuring that the employee is properly compensated according to those provisions.

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- f. The person must inform the person's employing state agencies or institutions of higher education before accepting an additional employment with another agency or institution.
- 2. Special provisions for legislative agencies. If a person's multiple employment involves only legislative agencies and all employments are less than full-time, Subsection (1)(a), except for accrual of leave, does not apply and the person may use paid leave from leave balances in all employments. Upon termination of one employment, leave balances accrued under that employment shall be transferred to the remaining employments.
- 3. Special provisions for institutions of higher education. A university system may establish a policy that defines a person's employment as the total hours the person is assigned to one component of the system or, alternatively, the total hours the person is assigned to all components of the system. This policy may apply to a person only if the person is employed by more than one institution of higher education and all the employing institutions are within the same university system.

Sec. 10. Use of Alcoholic Beverages. None of the moneys appropriated under this Act shall be used for the payment of salaries to any employee who uses alcoholic beverages while on active duty. None of the funds appropriated under this Act for travel expenses may be expended for alcoholic beverages. No state funds shall be used for the purchase of alcoholic beverages, except for legitimate law enforcement purposes.

Sec. 11. Limitations on Use of Appropriated Funds. Funds appropriated by this Act, other than those appropriated to institutions of higher education, shall be expended only for items set out in the Comptroller's Manual of Accounts, Expenditure Classification insofar that agencies expending said appropriated funds shall have existing statutory authority for such expenditures and that such expenditures are not limited or prohibited elsewhere in this Act.

It is also provided that any agency of the state specified in this Act is authorized to pay the premiums for bonding employees. Such bonds shall be of either individual position or blanket position type, as provided by Chapter 653, Government Code.

As compensation in addition to that otherwise provided by this Act, departments and agencies appropriated funds by this Act are authorized to purchase and present to their respective employees or officers at periodic intervals under such rules and regulations as have been or may be adopted by the respective agencies named hereinabove, service awards, safety awards and other similar awards for professional achievement or other outstanding service. A state agency may purchase awards not to exceed fifty dollars (\$50) per employee.

For awards to volunteers, a state agency may expend funds appropriated by this Act to purchase engraved certificates, plaques, pins, and other awards of a similar nature that do not exceed \$50 in value per volunteer. The awards may be purchased only to recognize volunteers' special achievement and outstanding service and only if the agency has established a volunteer program that complies with Chapter 2109, Government Code, or with other applicable general law.

TRAVEL REGULATIONS

Sec. 12. Definitions.

The following words and terms, when used in Sections 12 through 18 of this Article, shall have the following meanings:

1. Commercial lodging establishment - a motel, hotel, inn, apartment, or similar entity that furnishes lodging to the general public for pay or other type of lodging establishment designated by the Comptroller by rule.
2. Commercial transportation company - an entity that offers transportation of people or goods to the general public for pay.
3. Designated headquarters - the area within the city limits of the incorporated area in which a state employee's place of employment is located. If an employee's place of employment is located within an unincorporated area, then the area within a five mile radius of the employee's place of employment is his designated headquarters. If a city, town, or unincorporated area is completely surrounded by the city or town in which an employee's place of employment is located, then the employee's designated headquarters includes the surrounded area.
4. Duty point - the location, other than an employee's place of employment, to which a state employee travels in order to conduct official state business.
5. Head of agency - this term includes elected state officials, excluding members of the Legislature; appointed state officials, including officials whose appointment is still subject to confirmation by the Senate; first assistants, chief deputies, and chief clerks who are specifically authorized by law to act for their superiors; directors of legislative interim committees or boards; heads of state institutions of higher education; heads of state hospitals and special schools; and, for each state agency that is governed by a part-time board or commission, the person who has the day-to-day responsibility for managing the agency's operations.
6. Incidental expenses - those necessary and reasonable expenses incurred by a state employee while traveling on official state business. The term includes applicable taxes except for taxes on meals. The term does not include expenses for meals, lodging, or transportation; expenses of a personal nature; expenses that would be incurred by the employee regardless of whether he were traveling on official state business; and, tips and gratuities.
7. Key officials - this term encompasses heads of agencies and persons holding exempt positions as indicated in this Act or by action of the Governor in accordance with the Position Classification Act.
8. Lease - a long-term contract giving the lessee the exclusive possession and use of property or equipment although the lessor retains ownership throughout the duration of the contract. A contract is "long-term" only to the extent that its duration is on at least a month-to-month basis.
9. Place of employment - the office or location at which a state employee routinely conducts official state business.
10. Rented or public conveyance - a motor vehicle, train, or aircraft that a state employee either rents or pays a fare to use on a short-term basis while traveling on official state business.

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(Continued)

11. State agency - a unit of state government that uses funds appropriated in this Act to pay for the transportation, meals, lodging, and other travel expenses of its state employees.
12. State employee - a person employed by a state agency. This term includes key officials except to the extent that specific provisions in this Article indicate otherwise.

Sec. 13. General Travel Provisions.

1. The amounts appropriated in this Act to each state agency for the payment of transportation, meals, lodging, and incidental expenses shall be the maximum amounts to be expended by those agencies. None of the moneys appropriated by this Act may be expended for those expenses unless the travel and the resulting requests for payment or reimbursement comply with the conditions and limitations in this article.
2. Heads of agencies shall conserve the funds appropriated by this Act by maximizing economy and efficiency when planning the travel of state employees under their authority. In this connection, heads of agencies are responsible for ensuring that the expenses of transportation, meals, lodging, and incidental items are the lowest possible considering all relevant circumstances.
3. A head of agency may specify a reimbursement or payment rate that is less than the maximum rate specified in this article for transportation, meal, lodging, or incidental expenses. However, a lower rate applies only to travel occurring after a head of agency has notified his state employees in writing about the lower rate. A state agency is solely responsible for enforcing its lower reimbursement or payment rates.
4. Necessary and reasonable expenses for transportation, meals, lodging, and incidental expenses may be paid or reimbursed from the funds appropriated in this Act only when the purposes of the travel clearly involve official state business, are consistent with the legal responsibilities of the state agency represented, and, for the travel outside the State of Texas, the travel is approved in advance in accordance with the policy of the employing state agency.

None of the funds appropriated by this Act shall be used to pay or reimburse expenses for transportation, meals, lodging, and incidental expenses unless the travel voucher submitted to the Comptroller identifies persons contacted, places visited, or otherwise describes the nature of the official state business performed.

5. A state employee may claim extra travel time for the purpose of calculating reimbursement for meals, lodging, rental cars, parking, and other reimbursable expenses in order to take advantage of lower airfares if: (a) the cost of the additional expenses plus the lower airfare is less than or equal to the average coach airfare between the employee's designated headquarters and duty point, (b) the rental car was rented during the period of time when the employee conducted official state business, and (c) it is in the employing state agency's interest to allow the employee to be absent from headquarters for an additional period of time.
6. Requests for advance written approval for travel outside of the United States , except for Canada and Mexico, shall be submitted to the Governor as provided in Section 660.024, Government Code.
7. State employees from one state agency who provide services to another state agency may be reimbursed for their transportation, meals, lodging, and incidental expenses from the funds of the agency being served.

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(Continued)

8. A traveling state employee may be reimbursed for his incidental expenses in addition to his expenses for meals, lodging, and transportation. The Comptroller shall promulgate specific rules for the effective and efficient administration of this sub-section.
9. When this article authorizes state agencies to directly pay commercial lodging establishments or commercial transportation companies, agencies may instead directly pay credit card issuers or travel agencies for the lodging or transportation. The same documentation that would be required for a direct payment to a commercial lodging establishment or commercial transportation company is required for a direct payment to a credit card issuer or travel agency.
10. When a state agency requires a state employee on personal leave to return to his designated headquarters from another location, the agency may reimburse the employee for the transportation, meal, lodging, and incidental expenses he incurs while traveling to headquarters. In addition, the agency may reimburse the employee for the transportation, meal, lodging, and incidental expenses he incurs while traveling back to the location at which the employee was staying while on personal leave. The reimbursements authorized by this subsection may not exceed the reimbursement rates specified in this article.
11. A state agency may pay or reimburse a state employee for a cancellation charge if the charge is incurred for a reason related to official state business.
12. The Comptroller shall establish rules and procedures for the effective and efficient administration of the travel regulations in this article.

Sec. 14. Transportation Expenses.

1. State employees' use of personally owned or leased motor vehicles:
 - a. Mileage reimbursement rate. A state agency shall reimburse a state employee for using a personally owned or leased motor vehicle. The mileage reimbursement rate for travel occurring during a fiscal year is equal to the maximum fixed mileage allowance specified in the revenue rulings issued by the Internal Revenue Service under Section 1.274-5(f) of the federal income tax regulations as of August 1 preceding the start of the fiscal year. The mileage reimbursement rate may not be less than 25 cents per mile or more than 28 cents per mile. The Comptroller shall announce the mileage reimbursement rate for a fiscal year as soon as possible after August 1 of the preceding year. Except for tolls and the cost of airport parking or other parking fees incurred while employees are away from their places of employment, no additional expenses incidental to the operation of such motor vehicles shall be reimbursed.
 - b. Computing distances. The reimbursement authorized in this subsection for travel within the State of Texas shall be based upon the shortest route between points. For the purpose of computing the shortest route, farm-to-market roads shall be included.
 - c. Travel between a residence and the airport. State employees traveling in a personally owned or leased motor vehicle between their residence and the nearest airport may be reimbursed for mileage at the rate specified in Section 14(1)(a) of this article subject to the following provisions:
 - (1) If the travel occurs during working hours, the reimbursement may not exceed the reimbursement that would be due had the employee traveled between a place of employment and the airport.

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- (2) A state employee may be reimbursed for the mileage incurred by another person while transporting the employee between his residence and the nearest airport during working or non-working hours so long as the employee demonstrates that the reimbursement would be less than the cost of parking a personally owned or leased motor vehicle at the airport.
- d. Travel between a residence and a duty point. State employees who travel in a personally owned or leased motor vehicle between their residence and their duty point may be reimbursed for mileage at the rate specified in Section 14(1)(a) of this article subject to the following provisions:
 - (1) If the travel occurs during working hours, the reimbursement may not exceed the mileage that would have been paid had the employee traveled from his place of employment to his duty point.
 - (2) If the travel occurs before working hours on a working day, the reimbursement may not exceed the reimbursement that would be due had the employee traveled from a place of employment to a duty point. The preceding limitation does not apply if the employee is required to travel because of an unforeseen emergency that is related to official state business.
- e. Travel between a residence and a place of employment. A state employee may not be reimbursed for his mileage when he travels in a personally owned or leased motor vehicle between his residence and his place of employment unless (1) the travel is necessitated by extraordinary circumstances, and (2) the travel occurs during non-working hours.
- f. Mileage rate for travel outside of the State of Texas. State employees traveling alone may be reimbursed at the standard mileage rate for the use of their personally owned or leased motor vehicles while traveling outside the State of Texas in accordance with this paragraph. The reimbursement may not exceed either of the following: (a) the amount the employees would have received had they flown the average coach airfare below first class plus the expenses necessary to complete such flight or (b) the reimbursement calculated at the standard mileage rate for the actual miles traveled. Mileage, calculated at the standard mileage rate, between an employee's place of employment and the airport plus other necessary and reasonable expenses that would have been incurred at the airport had the employee flown, including parking fees, shall be considered as expenses necessary to complete a flight for the purpose of this paragraph.
- g. Travel by a group of state employees outside of the State of Texas. When two or more state employees travel together outside the State of Texas in a motor vehicle that is owned or leased by one of those employees, the reimbursement for the use of that vehicle shall be based upon the total miles between the motor vehicle owner's place of employment and the employees' destination at the standard mileage rate authorized elsewhere in this article. However, this reimbursement shall not exceed the total cost had each employee flown the average coach airfare below first class plus the expenses necessary to complete the flight as specified in Section 14(1)(f) of this article.
- h. Travel to points outside of the State of Texas that are not served by commercial airlines. State employees traveling either alone or with other state employees to duty points outside of the State of Texas that are not directly served by commercial airlines shall be reimbursed for their mileage. This reimbursement cannot exceed the sum of the following: (a) average coach airfare below first class to the nearest city served by air to the destination, (b) mileage between the nearest city served by air and the destination,

TRAVEL REGULATIONS

(Continued)

and (c) the expenses necessary to complete the flight as specified in Section 14(1)(f) of this article.

2. Transportation in personally owned or leased aircraft:

- a. The rate of reimbursement to key officials, members of boards and commissions, and members of the Legislature for travel in their personally owned or leased aircraft within and without the boundaries of the State of Texas shall be forty cents (40¢) per highway mile when traveling in single-engine aircraft, fifty-five cents (55¢) per highway mile when traveling in twin-engine aircraft, and one dollar (\$1.00) per highway mile when traveling in turbine-powered aircraft.

When additional key officials, members of boards and commissions, or members of the Legislature are conveyed on trips within or without the boundaries of the State of Texas in privately owned or leased aircraft, they each shall receive as a mileage reimbursement an amount equal to that which would have been paid had they traveled by average coach airfare below first class. The Comptroller shall develop procedures whereby these multiple reimbursements can be aggregated into a single payment and paid either to the individual owning or leasing the aircraft or to the vendor providing a leased aircraft; however, the total reimbursement shall not exceed the actual cost of the trip.

Key officials, members of boards and commissions, and members of the Legislature may lease aircraft from a proprietorship, partnership, or corporation in which they have an interest. Reimbursement shall be at the rates established for travel by personally owned or leased aircraft.

- b. The rate of reimbursement for state employees when they travel in their personally owned or leased aircraft within and without the boundaries of the State of Texas shall be forty cents (40¢) per highway mile when traveling in single-engine aircraft and fifty-five cents (55¢) per highway mile when traveling in twin-engine aircraft.

3. Travel by rented or public conveyance:

- a. When a state employee travels by rented or public conveyance, the actual cost of transportation is payable from funds appropriated in this Act subject to the following limitations.
 - (1) The cost of commercial air transportation between an employee's designated headquarters and his duty point must be equal to the lowest rate available. First class airfare may be paid only if it is the only available airfare.
 - (2) The cost of transportation by limousine may be paid only if it is the lowest cost transportation considering all relevant circumstances.
- b. State agencies may pay the expenses associated with state employees traveling by rented or public conveyance in either of two ways at the option of each head of agency.
 - (1) When state employees pay for authorized travel by rented or public conveyance with their personal funds, they shall be reimbursed for that travel in accordance with this Article. Receipts for such transportation, excluding receipts for bus, taxi, or limousine fares, shall be submitted to the Comptroller or processed locally by the institution as attachments to the employee's travel voucher.

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(Continued)

- (2) A head of agency may request a commercial transportation company to furnish transportation to designated state employees of such agency. The cost of the transportation services shall be billed monthly to the agency. The Comptroller may issue a warrant or the institution may issue a check payable to a commercial transportation company only upon the submission by a state agency of a voucher showing the purpose of travel and the necessary approval by the agency. An official receipt from the commercial transportation company showing the details of the transportation must be attached to the voucher.

To facilitate auditing of billings from commercial transportation companies, such companies shall list on their billings the point of origin and point of destination of each trip and shall also show the taxes charged. In addition, on each voucher submitted to the Comptroller for processing or processed locally by the institution, state agencies shall specify in detail the official state business conducted on each trip.

4. State agencies may directly pay commercial transportation companies prior to the travel of their employees if the companies required the payments to be made in advance in order to obtain lower rates. Cancellation charges are payable if they are incurred because of a business-related reason. The Comptroller shall promulgate rules for the effective and efficient implementation of this paragraph.
5. Return from personal leave: Employees on personal leave at a location outside of their designated headquarters who are required by their heads of agencies to return to their designated headquarters may be reimbursed for the cost of their transportation to headquarters as provided in this section.

Sec. 15. Expenses for Meals and Lodging.

1. General provisions:
- a. Heads of agencies shall conserve funds by authorizing less than the maximum reimbursements for meals or lodging, or both, when conditions warrant. However, reductions in the amount of reimbursements for meals or lodging, or both, may be authorized only if the affected state employees are notified of those reductions before they incur any expenses. Employees whose living costs are unusually low when traveling, such as those camping out, shall not be reimbursed for their meals and lodging at the maximum rates.
 - b. When a state employee stays at a commercial lodging establishment, the head of his employing state agency may request the lodging establishment to directly bill the agency for the cost of the lodging. The Comptroller may issue a warrant payable to the commercial lodging establishment only upon the submission of a voucher showing the name and designated headquarters of the employee, the room rate for a single occupancy, and the lodging charges on a daily basis. An official receipt from the commercial establishment must be attached to the voucher.
 - c. Each state employee who travels with one or more additional employees in a motor vehicle that is owned or leased by one of those employees shall be reimbursed for the meals and lodging incurred during the trip subject to the limitations contained in this Section.

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(Continued)

- d. No reimbursements for meals and lodging may be paid to state employees when they travel within the confines of their designated headquarters or when they are away from their designated headquarters for fewer than six consecutive hours.
 - e. State employees, board or commission members, must attach the actual receipts for lodging expenses to their travel vouchers when requesting reimbursement of those expenses. A head of agency other than a member of a board or commission is not required to attach lodging receipts.
 - f. Travel to foreign countries, except for Canada and Mexico, must be approved by the Governor in advance of the travel in accordance with Section 660.024, Government Code. A copy of the Governor's approval must be attached to each travel voucher.
 - g. A state agency may reimburse a state employee for a state, county, or local hotel occupancy tax or any similar tax imposed by a law of this state or another state. A state agency may reimburse a state employee for a state, county, or local hotel occupancy tax from which the employee is exempt by law if the employee properly claims the exemption and the commercial lodging establishment refuses to honor the exemption. If a state agency directly pays a commercial lodging establishment instead of reimbursing an employee, then the agency may directly pay the tax to the commercial lodging establishment.
 - h. A state agency may reimburse a state employee for apartment rental expenses. The Comptroller shall adopt rules to facilitate a state agency's conservation of state funds by renting an apartment in lieu of using another type of commercial lodging establishment.
2. Travel within the State of Texas:
- a. State employees who travel within the State of Texas shall be reimbursed for the actual cost of lodging and meals. However, the reimbursements may not exceed \$55.00 per day per location for lodging and \$25.00 per day for meals.
 - b. At the discretion of each head of agency, a state employee whose duties require him to travel outside his designated headquarters without an overnight stay away from his headquarters may be reimbursed for the actual cost of his meals not to exceed \$25.00 per day.
3. Travel outside the State of Texas but within the continental United States:
- a. State employees who travel outside the State of Texas but within the continental United States shall be reimbursed for their actual expenses for lodging and meals. However, these reimbursements may not exceed the locality-based rates specified in the Federal Travel Regulations unless the Comptroller determines, in advance of travel, that local conditions necessitate a change in the lodging rate for a particular location. If an employee travels to a location where a locality-based allowance has not been set in the Federal Travel Regulations, the Comptroller shall establish a rate for that location. This rate cannot exceed the lowest locality-based allowance for that state unless the Comptroller determines, in advance of travel, that local conditions necessitate a higher lodging rate.
 - b. Reimbursements for meals to employees whose travel does not require an overnight stay away from their designated headquarters may not exceed \$26.00 per day.

TRAVEL REGULATIONS

(Continued)

4. Travel outside the continental United States: State employees may receive reimbursements of their actual expenses for meals and lodging when traveling outside the continental United States.

Sec. 16. Travel by Employees of Institutions of Higher Education.

1. For the purpose of this section, official state business includes, but is not limited to, the formal presentation of original research by a state employee before a regional, state, national, or international learned society.
2. The governing board of each institution of higher education may delegate to its president, chief executive, vice presidents, deans, or fiscal officers the authority to approve travel and the resulting payments and reimbursements. However, such delegations of authority shall specify the kind of travel that may be approved and the termination date of the delegated authority. The delegation of authority shall be entered in the official minutes of each governing board, and a copy of those minutes shall be filed with the Comptroller.

Sec. 17. Special Provisions and Exceptions.

1. Applicability of this section: The provisions of this section apply only to the extent that they are inconsistent with or supplementary to the provisions of Sections 13, 16 and 18 of this article.
2. General exception: Judicial officers, heads of agencies, the Executive Director of the Legislative Council, and the Secretary of the Senate shall be reimbursed for their actual expenses for meals and lodging either inside or outside the State of Texas. Expenses concerning personally owned or leased motor vehicles and other transportation expenses shall be reimbursed as provided under other sections of this article.
3. Representation of the Governor: Employees of the Governor's Office, other state employees, and key officials who are designated by the Governor to represent him at governmental meetings or conferences held outside the State of Texas shall be reimbursed for their actual expenses for meals, lodging, and incidentals. These reimbursements may be paid out of the appropriations for the state agencies at which the employees or key officials are employed.
4. Travel by legislators:
 - a. General provisions:
 - (1) When traveling inside or outside the State of Texas a legislator, at the discretion of each house of the legislature, is reimbursed an amount equal to either the maximum per diem rate in the federal travel regulations for the location at which the expenses are incurred or the actual amount of meals, lodging and incidental expenses incurred. This provision also applies to the meals, lodging, and incidental expenses legislators incur while serving on boards, councils, committees, or commissions.
 - (2) If expenses are incurred in a location for which the federal travel regulations have not specifically established a maximum per diem rate, the amount is equal to the lowest maximum per diem rate for the state, territory, possession, or country in which the expenses are incurred.
 - (3) When traveling inside or outside the State of Texas, a legislator shall be reimbursed for the legislator's use of personally owned or leased motor vehicles

TRAVEL REGULATIONS

(Continued)

and for the legislator's use of rented or public conveyances on the same basis as is provided in this article for state employees. The rate of reimbursement for a legislator's use of a personally owned or leased aircraft is as specified elsewhere in this article. The preceding rates of reimbursement apply even though a legislator's trip does not include travel to or from the City of Austin.

- b. During a session of the Legislature, a member of the Legislature may be reimbursed for either transportation expenses on the same basis as is provided for state employees or shall be entitled to mileage on the same basis as is provided for state employees.
5. Travel by employees of the Legislature:
- a. When traveling outside the State of Texas, employees of the Legislature may be reimbursed for their actual expenses for meals and lodging.
 - b. When traveling inside the State of Texas, employees of the Legislature may be reimbursed for their actual expenses for meals and lodging in accordance with Section 301.030(a), Government Code.
6. Designation of state employees:
- a. When a member of the Legislature, judicial officer, head of agency, Executive Director of the Legislative Council, the Secretary of the Senate, or member of a board or commission is unable to personally attend a meeting or conference, they may designate a state officer or employee to represent them at the meeting or conference. The designated officer or employee may receive reimbursement of his actual expenses for meals and lodging while attending the meeting or conference. The designations authorized in this sub-section must occur on a trip-by-trip basis.
 - b. Members of the Legislature, judicial officers, heads of agencies, the Executive Director of the Legislative Council, the Secretary of the Senate, and members of state boards and commissions may authorize state employees traveling with them to receive reimbursement of their actual expenses for meals and lodging.
7. Aircraft pilots: Aircraft pilots shall be reimbursed for their actual expenses for meals and lodging on the same basis as provided in this article for state employees. However, aircraft pilots are not subject to the requirement of being away from their designated headquarters for at least six consecutive hours in order to qualify for reimbursements of their meals.
8. Prior written approval required: None of the funds appropriated by this Act may be used to reimburse actual expenses as authorized in sub-sections 3 and 6 of this section unless the head of the agency gives advance written approval and indicates the approximate cost of such travel.
9. Members of state boards and commissions shall be reimbursed for travel expenses pursuant to the provisions of Section 4 of this article.
10. Travel by disabled persons:
- a. Notwithstanding any other provision of this article, state agencies may reimburse disabled state employees and disabled members of the Legislature for attendant care and other necessary expenses incurred when they travel inside or outside their designated headquarters. However, disabled persons may not be reimbursed for the expenses

TRAVEL REGULATIONS

(Continued)

incurred when traveling from their residences to their places of employment except as provided in this Act for state employees.

- b. First class airfare for the disabled and their attendants may be reimbursed so long as that airfare is medically necessary.
- c. None of the reimbursements authorized in this sub-section may be paid until the employing state agency has established policies and procedures for the travel of disabled persons. The reimbursements authorized in this sub-section shall be in addition to the reimbursements authorized elsewhere in this Article.

Sec. 18. Moving Expenses of State Employees.

- 1. A State agency may use funds appropriated by this Act to pay the reasonable, necessary, and resulting costs of moving the household goods and effects of a state employee who is transferred from one designated headquarters to another so long as the agency determines that the best interests of the State will be served by such transfer and the distance between the two designated headquarters is at least 25 miles. A state agency may pay the costs of moving the household goods and effects of any state employee who is employed at any facility that is being closed or downsized, if the agency retains that employee by offering a position in another location that is at least 25 miles from the location being closed or downsized. This does not include a transaction fee or sales commission for sale of a homestead or other real property.
- 2. State-owned equipment shall be used to move the household goods and effects of transferring state employees. However, when such equipment is unavailable, state agencies may pay for the services of a commercial transportation company or for self-service vehicles to make the move.
- 3. The use of appropriated funds as authorized in this Section is expressly conditioned upon presentation to the Comptroller of bona fide receipts or invoices showing the applicable charges.
- 4. Transferring state employees may be reimbursed at the standard mileage rate for reasonable and necessary moving-related travel by personally owned or leased motor vehicle.
- 5. State employees who will be required to live in state-owned housing may be reimbursed for the storage expenses incurred when the housing is not available at the time the employing state agency requires the move to be made.

Sec. 19. Passenger and Other Vehicular Equipment (excluding Aircraft).

- 1. Only the following agencies are authorized the use of appropriated funds for the purchase, operation, and maintenance of passenger cars and other vehicles designed for passenger transportation (excluding aircraft): Texas Youth Commission, Adjutant General's Department, Alcoholic Beverage Commission, Department of Agriculture, Attorney General, General Services Commission, Department of Criminal Justice, Department of Transportation, Historical Commission, General Land Office and Veterans' Land Board, Parks and Wildlife Department, Railroad Commission, Department of Public Safety, Natural Resource Conservation Commission, Water Development Board, Board of Plumbing Examiners, Board of Pharmacy, Low-Level Radioactive Waste Disposal Authority.
- 2. For the purposes of the above limitation, the following vehicular equipment shall not be construed to be passenger cars and other vehicles designed for passenger transportation and

TRAVEL REGULATIONS

(Continued)

may be purchased, operated, and maintained by an agency through appropriated funds: panel, pickup and delivery trucks and trucks required for the conveyance of special equipment; motorcycle delivery units; dual control automobiles used exclusively for driver training; passenger cars equipped with two-way radios when such equipment is a direct requirement of the user's primary responsibility; motorcycles, jeeps, and boats needed and used for fire prevention, fire fighting and other activities for safeguarding public safety, public property, or for criminal law enforcement; ambulances or other passenger vehicles specifically equipped and regularly used for ambulance services; buses, sedans, vans and station wagons regularly used for the mass transportation of numbers of people and essential to the efficient management of the operating agency of the state as certified by a report filed with the Governor's Budget and Planning Office and the Legislative Budget Office prior to acquisition.

3. It is the intent of the Legislature that agencies authorized to purchase passenger vehicles and/or other general use ground transportation vehicles shall purchase economical, fuel efficient vehicles assembled in the United States of America when the purchase of such vehicles would have no significant detrimental effect on the public service being performed. Each agency purchasing vehicles as authorized in this Act shall file, as a part of the annual report required elsewhere in this Article, a report listing each passenger vehicle purchased, make and model, purchase price, assigned type of use and fuel efficiency as expressed by the manufacturer fuel efficiency rating.
4. No funds appropriated by this Act may be expended by any agency or employee or state official to use a state car for personal use or for commuting to or from work, except when such commuting may be necessary to ensure vital agency functions are performed. Exceptions and reasons therefore shall be certified by individual name and job title by the administrative head of each affected agency and reports of such exceptions shall be filed in the annual report of the agency.

Sec. 20. Aircraft.

1. This subsection shall apply only to state-owned aircraft and shall be the only appropriation authority therefor:
 - a. No purchase of aircraft shall be made from appropriated funds except as authorized in this Section.
 - b. Agencies authorized to expend appropriated funds for the maintenance and operation of state-owned aircraft or replacements authorized below are: Texas A&M University System, Department of Criminal Justice, Department of Transportation, Parks and Wildlife Department, Department of Public Safety, University of Texas System, Texas State Technical College, Texas Forest Service, and Aircraft Pooling Board. Notwithstanding any other provision of this Act, all state-owned aircraft (including aircraft forfeited to or seized by a particular agency) are subject to the authority of the Aircraft Pooling Board under Chapter 2205, Government Code.
 - c. Expenditure of appropriated funds for replacement of the above aircraft with aircraft of comparable quality may be made contingent upon approval of the Aircraft Pooling Board and a finding of fact by the Governor that a report has been filed with his office showing:
 - (1) That the aircraft to be replaced has been destroyed or has deteriorated to an extent that continued operation presents a serious hazard or that the aircraft to be replaced can no longer meet the mission requirements of the principal user state agency.

TRAVEL REGULATIONS (Continued)

- (2) That other state-owned aircraft cannot be effectively utilized in lieu of a replacement aircraft.
- d. It is the intent of the Legislature that state-owned aircraft be utilized by all agencies of the state. To determine the extent to which this intent is being met, agencies operating state-owned aircraft shall file an annual report with the Legislative Budget Board detailing utilization by other agencies and the methods used to increase the utilization. Statewide-elected officials shall be given priority in the scheduling of aircraft, however, the State Aircraft Pooling Board may require a twelve (12) hour notice by an official in order to accomplish such priority scheduling.
- e. The Aircraft Pooling Board shall purchase liability insurance to protect the officers and employees of state agencies operating state-owned aircraft. Expenditures necessary to purchase such insurance shall be made on a pro rata basis, as determined by the Aircraft Pooling Board, from appropriations authorized to each agency operating a state-owned aircraft. The Comptroller shall transfer such necessary amounts from agencies operating aircraft to the Aircraft Pooling Board for the purchase of liability insurance and expenditure of such funds by the board is hereby authorized.
- f. All state agencies operating aircraft based in Austin shall use State Aircraft Pooling Board facilities for storage, maintenance, and fueling of these aircraft to the extent that State Aircraft Pooling Board facilities are available.
- g. All agencies using State Aircraft Pooling Board services shall reimburse the State Aircraft Pooling Board for providing services within 30 days from the date of billing.
- h. Any reimbursements received by an agency of the state for authorized aircraft services rendered to any other agency of the state are hereby reappropriated to the agency receiving such reimbursements, and shall be credited to the agency's appropriation item or items from which the cost of aircraft operation is paid.
- i. All rates charged for interagency aircraft services shall be approved by the Aircraft Pooling Board and shall be set at levels adequate for recovery, to the extent possible, of all direct costs (including the pro-rata share of major maintenance, overhauls, and pilots' salaries) for the services provided.
- j. Except for appropriations made to the State Aircraft Pooling Board and the Comptroller of Public Accounts, no appropriations made in this act may be expended for lease or operation of aircraft, unless used only for transportation which meets the following criteria:
 - (1) the purpose of the trip is official state business;
 - (2) all passengers are state officers or employees, or are persons in the care or custody of state officers or employees, or are persons whose transportation furthers the official state business purpose of that flight;
 - (3) the destination is not served by commercial carriers, or the time required to use such a carrier interferes with other obligations, or the number of state officers and employees traveling makes the use of state aircraft cost effective;
 - (4) any speeches to be given by passengers are related to official state business;

TRAVEL REGULATIONS

(Continued)

- (5) events attended by passengers are not sponsored by a political party or for its promotion;
 - (6) no fees or honorariums are received by passengers, unless travel costs are reimbursed to the state;
 - (7) no money is raised for private or political purposes; and
 - (8) audiences are not charged to see or hear any of the passengers.
2. This subsection shall apply to expenditure of funds in connection with aircraft not owned by the state.
- a. In the event that a need arises and no state-owned aircraft are available through the Aircraft Pooling Board, or if the board determines that long or short-term lease or rental of aircraft would reduce the cost of transportation to the State of Texas, the board shall authorize state agencies to expend funds for such lease or rental of aircraft or helicopters.
 - b. Other than mileage reimbursements provided for in this Act, none of the funds appropriated by this Act may be expended for the lease or rental of aircraft except as authorized in the preceding paragraph.

DEFINITIONS

Sec. 21. Earned Federal Funds.

- a. Earned federal funds are defined as all moneys received in connection with each entitlement period of a federally funded contract, grant or program excluding reimbursements as defined in Section 22(1)(b), which are not required by the governing agreement to be disbursed thereon. Typically, they arise from recoveries of costs previously paid from a nonfederal fund source, interagency contracts paid from another agency's federal funds, indirect cost allocations, interest earned on federal funds, and minor sources such as the sale of fixed assets purchased with federal funds. Except for state agencies of higher education and their affiliated agencies, the expenditure of funds received and/or earned in accordance with this definition by state agencies is limited to the appropriation authority granted to each agency. Any such excess funds remaining at the end of the biennium for each agency are to be carried forward as a funding source available for appropriations of the subsequent biennium.
- b. It is the intent of the Legislature that all state agencies and institutions participating in federally funded or other programs, where indirect cost reimbursements are an allowable part of charges to the program, establish procedures to maximize the recovery of such costs.

Sec. 22. Definition of "U.B." In this Act, the term "unexpended balance" or the abbreviation "U.B." means the unobligated balance remaining in any appropriation, i.e., only that part of an appropriation, if any, that has not been set apart by the incurring of an obligation, commitment, or indebtedness by the state agency authorized to spend the appropriation. A reference in this Act to "unexpended balance" or "U.B." is a reference to the unobligated balance of an amount appropriated for the fiscal year ending August 31, 1996, by this Act unless a contrary meaning is clearly indicated.

DEFINITIONS

(Continued)

Sec. 23. **Interpretation of Estimates.** In the event the amounts of federal funds, local funds, or funds other than appropriations from the General Revenue Fund, have been estimated in this Act in sums greater than are actually received by the respective agencies of the state, this Act shall not be construed as appropriating additional funds from General Revenue to make up such differences. Wherever the language of this Act appropriates all receipts and/or balances from a specified source but uses an estimated amount to inform the Legislature and the public, the estimated figure is not to be construed as a limitation on the amount appropriated.

Sec. 24. Definitions: General Revenue

1. General Revenue Fund-Consolidated. Any reference made in this Act to the "General Revenue Fund-Consolidated" or to "General Revenue-Consolidated" whether appearing as an appropriation source in a Method of Financing or elsewhere shall be construed as a reference to the General Revenue Fund.
2. General Revenue Fund-Dedicated. Any reference made in this Act to the "General Revenue Fund-Dedicated" or to "General Revenue-Dedicated" whether appearing as an appropriation source in a Method of Financing or elsewhere shall be construed as a reference to the General Revenue Fund, subject to revenue source limitations as may be specified by this Act.
3. Contingent on the passage of legislation relating to the dedication of funds, the Comptroller, upon approval of the Legislative Budget Board, may change an applicable agency's method of financing source name as provided in this Act to reflect changes made by the other legislation which affects the status of the funding source. No change in the amount of the appropriation would be affected by this change.
4. Special Provision for Emergency Deficiency Grants. Notwithstanding the above, for the purposes of V.T.C.A., Government Code, section 403.075 and V.T.C.A., Government Code, section 401.061, appropriations to the Office of the Governor from "special funds" shall include excess revenues from General Revenue Fund-Consolidated or General Revenue Fund-Dedicated funds that were previously special funds above those estimated by the Comptroller in certifying this Act.

GENERAL LIMITATIONS ON EXPENDITURES

Sec. 25. **Excess Obligations Prohibited.** No department or agency specified in this Act shall incur an obligation in excess of the amounts appropriated to it for the respective objects or purposes named. As a specific exception to this provision the General Services Commission may determine that a proposed installment purchase arrangement is cost effective and certify this finding in response to an agency request. Such a finding may be made for obligations incurred for the purchase or lease of automated information system equipment only if such department or agency has on file with the Department of Information Resources (DIR) a Biennial Operating Plan, including any amendments thereto, and such plan has been approved by DIR. In the event this provision is violated, the State Auditor shall certify the fact and the amount of over-obligation to the Comptroller, and the Comptroller shall deduct an amount or amounts equivalent to such over-obligation from the salary or other compensation due the responsible disbursing or requisitioning officer or employee, and apply the amount to the payment of the obligation. This provision is specified pursuant to Section 10, Article XVI, of the Constitution of Texas.

Sec. 26. **Interpretation of Legislative Intent.** It is the intent of the Legislature that funds appropriated by this Act be expended, as nearly as practicable, for the purposes for which they were appropriated. In the event departments and agencies cannot determine legislative purpose

GENERAL LIMITATIONS ON EXPENDITURES

(Continued)

from the pattern of appropriations they shall seek to determine that purpose from the proceedings of the legislative committees responsible for proposing appropriations for the State of Texas.

It is further provided that the Comptroller shall not refuse to pass for payment a legal claim, factually justified, for which a valid appropriation has been made.

Sec. 27. Last Quarter Expenditures. It is specifically provided that all state agencies, boards, commissions, departments and other governmental units using funds appropriated by this Act may not expend during the last quarter of any fiscal year more than one-third of the funds appropriated for that fiscal year. Specifically exempted from these provisions are expenditures contracted for in previous quarters; funds required by statute, rule or regulation to be expended on a different time frame; seasonal employment of personnel; construction contracts; contracts dealing with purchases of food, medicines or drugs; personnel connected with the phase-in of schools for the mentally retarded; expenditures related to the Chronically Ill and Disabled Children's program operated by the Department of Health; and expenditures occasioned by disaster or other Act of God. None of the funds exempted from this section may be considered in the computation of the total funds appropriated in any fiscal year for the purpose of this section.

Sec. 28. Appropriation Transfers. Subject to any specific restrictions in other provisions of this Act, appropriations contained in this Act may be transferred from one appropriation item to another appropriation item in amounts not to exceed 25 percent for the fiscal year, at the discretion of the chief administrative officer of each agency, department, or institution. As a specific exception to this section, funds appropriated for capital budget items are subject to restrictions contained elsewhere in this Act.

Funds appropriated by this Act in items of appropriation which are part of a Goal for "Indirect Administrative and Support Costs" or "Indirect Administration" may be transferred from one appropriation item to another appropriation item within that same Goal without limitation as to the amount of such a transfer.

Appropriations made by this Act to each agency, department, or institution are not subject to transfer between agencies, departments or, institutions except under the provisions of interagency contract, budget execution statutes, or specific rider or statutory authorization.

Sec. 29. Employee Benefit and Debt Service Items. Funds appropriated in the various articles of this Act for "Employees Retirement System", "Comptroller of Public Accounts-Social Security", "Texas Public Finance Authority-G.O. Bond Debt Service Payments", and "Lease-Payments to the Texas Public Finance Authority" may be transferred between articles to a like appropriation item without limitation as to the amount of such transfer. It is further provided that an agency to which an above mentioned appropriation is made is authorized to pool such appropriations, made in the various articles for a common purpose, into a single cost pool for the purpose of administering the appropriation.

Sec. 30. Salaries to be Proportional by Fund. It is the intent of the Legislature that unless otherwise restricted, payment for salaries, wages, and benefits paid from appropriated funds, including local funds and education and general funds as defined in Sections 51.009 (a) and (c), Education Code, shall be proportional to the source of funds.

Unless otherwise specifically authorized by this Act, none of the funds appropriated by this Act out of the General Revenue Fund may be expended for employee benefit costs, or other indirect costs, associated with the payment of salaries and wages if the salaries and wages are paid from a source other than the General Revenue Fund. Payments for employee benefit costs for salaries and wages paid from sources, including payments received pursuant to interagency agreements or as contract receipts, other than the General Revenue Fund shall be made in proportion to the source of funds

GENERAL LIMITATIONS ON EXPENDITURES

(Continued)

from which the respective salary or wage is paid or, if the Comptroller of Public Accounts determines that achieving proportionality at the time the payment is made would be impractical or inefficient, then the General Revenue Fund shall be reimbursed for any such payment made out of the General Revenue Fund. The Comptroller of Public Accounts shall develop rules to provide for the administration of this provision.

Each agency and institution of higher education having General Revenue Fund appropriations and other sources of financing shall file with the Comptroller of Public Accounts and the Office of the State Auditor a schedule demonstrating proportionality. The statement is due January 15, for the salaries, wages, and benefits of the preceding year ended August 31, in a format prescribed by the Comptroller. The State Auditor shall review in his audit of respective agencies compliance with the provisions of this section. The Comptroller of Public Accounts, upon receipt of notification from the State Auditor's office of amounts disproportionately paid from General Revenue Fund appropriations, shall reduce current year General Revenue Fund appropriations of the agency or institution until such time as such amounts are repaid from non General Revenue Fund sources.

Sec. 31. Appropriations from Special Funds.

1. Notwithstanding other provisions of this Act, appropriation amounts from special funds or special accounts in the General Revenue Fund are specifically limited to amounts not to exceed the actual balances and revenues available to each such fund or account.
2. In order to preserve cash balances in the Treasury, the Comptroller of Public Accounts, with the assistance of the State Treasurer, may prescribe rules and procedures as may be necessary to limit or control expenditures or transfers from funds appropriated by this Act. These procedures may include rules relating to the deposit of receipts and issuance of warrants.

OTHER EXPENDITURE LIMITATIONS

Sec. 32. Audits. None of the appropriations made by this Act shall be used to employ any firm or person to audit the books of any department, board, commission, institution or state agency, this being the duty of the State Auditor; provided, however, that in any instance where the funds available to the State Auditor are not, in the State Auditor's judgment, sufficient for any requested or contemplated audit, the department head or heads having authority to disburse the appropriations made by this Act are hereby authorized to direct the Comptroller of Public Accounts to transfer from any appropriations to the appropriation made for the State Auditor the amount which in the judgment of the State Auditor is necessary for the purpose of making such audit.

Any amount so transferred to the State Auditor shall be used for the actual costs of the specified audit, and any balances of such funds remaining at the end of any fiscal year are hereby appropriated to the State Auditor for the purpose of completing the audit or audits for which the funds were transferred. On the completion of any such audits any excess funds remaining shall be transferred by the State Auditor back to the department, board, commission, institution or agency from which transferred.

The provisions of this Section notwithstanding, supplemental audits of funds received from the United States Government by agencies of the state named in this Act, which are required as a condition of the receipt of such funds, may be made in addition to the auditing performed by the State Auditor when funds for such purpose are provided by the federal grant, allocation, aid or payment.

OTHER EXPENDITURES LIMITATIONS

(Continued)

Notwithstanding other provisions of this Act, any state agency providing grants or operating funds for governmental programs to local governmental units, private corporations, or other organizations other than a state agency or department, may require, as a condition to granting or providing such funds, that the receiving entity have a yearly independent audit performed and transmitted to the state agency. If sufficient personnel are available, the state agency may have its internal audit staff make a yearly inspection visit to the local entity. The state agency shall take action on exceptions noted in the independent audits and provide documentation of that action to the State Auditor, Legislative Audit Committee, Legislative Budget Board and the Governor's Office. Notice of such action shall be given at the board meeting of the state agency and shall be announced on the agenda of that meeting.

Sec. 33. Purchases of Postage. Except as otherwise provided in this section, the funds appropriated by this Act may be expended for purchasing postage only from, or paying post office box rent only to, the United States Postal Service. However, the preceding limitation does not apply to any reimbursement authorized under either Section 29 of this article or Section 8. 4. of Article III of this Act; to reimbursements to any authorized petty cash account; or, to reimbursements to state employees for emergency purchases of postage or emergency payments of post office box rent.

If the expenditures for postage by any agency, other than the legislature or an agency of higher education, exceed \$4,000 for a fiscal year, then the agency shall install a postage meter machine and have all purchases of postage recorded on that machine, excepting purchases of stamps for field offices or traveling employees. An agency, including the legislature or an agency of higher education, may rent a postage meter machine from a private company approved by the General Services Commission and may pay the company for postage in accordance with procedures established by the commission.

The amount received by an agency as a refund of postage used by the agency shall be deposited in the fund to the credit of the appropriation from which postage for the agency is paid and is hereby reappropriated to the agency for postage use.

The Comptroller of Public Accounts shall adopt procedures to implement this section after consulting with the General Services Commission.

It is the intent of the Legislature that state agencies and institutions use the most cost-effective means of postal service available.

Sec. 34. Publication or Sale of Printed, Recorded, or Electronically Produced Matter or Records. None of the funds appropriated by this Act may be used for the publication, recording, production, and distribution of any item or matter, including lists, notices, pamphlets, video tapes, audio tapes, microfiche, films or other electronically produced information or records unless such publication, recordings, or production is i) essential to accomplish or achieve a strategy or outcome target established by this Act or ii) required by law.

Any moneys received and collected from any charges specifically authorized by statute for such publications or records are hereby appropriated to the department or agency issuing the publications for use during the year in which the receipts are collected. The Comptroller of Public Accounts is to credit such receipts to the like appropriation item or items from which the original costs are paid.

Sec. 35. Distribution of Reports.

1. None of the funds appropriated by this Act shall be expended for the purpose of distributing reports, pamphlets or other printed matter to members of the Legislature and other state

OTHER EXPENDITURES LIMITATIONS (Continued)

officials unless the agency receiving the appropriation has complied with the following provisions:

- a. Agencies shall deposit copies of all printed matter prepared for distribution with the Legislative Reference Library.
 - b. Agencies desiring to make distribution to members of the Legislature and other state officials shall send notification that the material is on file and upon request of the person notified shall mail the number of copies requested, provided that these restrictions shall not prevent the mailing of reports required by general law.
2. Required reports and minutes of board meetings shall be made available to members of the Legislature and legislative branch agencies in an electronic format as established by the Legislative Council.
 3. None of the funds appropriated by this Act shall be used to produce any publications which have been reproduced on enamel coated, cast coated or dull coated stock, unless a fee is charged.

Sec. 36. **Publications.**

1. None of the funds appropriated by this Act shall be expended in the preparation and distribution of any publication, except for Texas Highways, Texas Parks and Wildlife Magazine, and Commission on Alcoholism and Drug Abuse publications, whose cost is not totally reimbursed through revenue attributable to its publication or sale if the content or format of the publication is: (1) intended for use by the general public; (2) generally informational, promotional, or educational; and (3) not essential to the achievement of a statutory objective of the agency or institution. Publications specifically exempted from this prohibition are the following: (1) annual reports and other materials that are required by statute and whose content deals only with topics set forth in the law; (2) compilations of law, rules, or regulations; (3) newsletters; (4) Attorney General opinions; and (5) Comptroller opinions, revenue forecasts and fiscal analyses.
2. None of the funds appropriated by this Act shall be used to print publications of any type which prominently displays the name or picture of statewide elected officials.
3. All units of state government and all local political subdivisions which expend appropriated state funds to publish periodicals on quarterly intervals or more frequently than quarterly intervals at no charge shall insert annually in such periodicals a notice, in three consecutive issues, indicating that anyone desiring to continue to receive the publication must so indicate in writing. The agency shall furnish future publications only to those persons so requesting.
4. None of the funds appropriated by this Act shall be used to produce any publications which have been reproduced on enamel coated, cast coated or dull coated stock, or which contain more than one photograph for each two pages of the publication unless a fee is charged for the publication that recovers the cost of its production. Publications which promote tourism or economic development, publications of the School for the Blind and Visually Impaired and the School for the Deaf, and publications of agencies of higher education, including all agencies of the Texas A&M University System, are exempt from this subsection.

Sec. 37. Limitation on Expenditures - Capital Budget. Contained in appropriations made to certain agencies by this Act are amounts identified as the "Capital Budget." None of the funds appropriated by this Act in excess of an amount equal to 25 percent of appropriations restricted to capital budget purposes may be expended, in addition to the amounts restricted for capital budget

OTHER EXPENDITURES LIMITATIONS (Continued)

purposes, for purposes included within the definition of capital budget without the prior approval of the Governor and Legislative Budget Board. This restriction does not apply to expenditures for capital outlay items not included in the definition of the Capital Budget herein or to expenditures for Capital Budget purposes made by institutions of higher education, public community/junior colleges or appellate courts. The Capital Budget is defined to include expenditures for assets with a project cost or unit cost in excess of \$25,000 within the following categories:

1. Acquisition of Land and Other Real Property (except for right-of-way purchases made by the Department of Transportation),
2. Construction of Buildings and Facilities,
3. Repairs or Rehabilitation of Buildings and Facilities,
4. Construction of Roads (except for such expenditures made by the Department of Transportation),
5. Acquisition of Information Resource Technologies,
6. Transportation Items,
7. Acquisition of Capital Equipment and Items.
8. Lease Payments to the Master Equipment Lease Purchase Program (for items acquired prior to September 1, 1995 only).

Any expenditure directly related to acquisition of an asset, or to place an asset in service may be paid from the Capital Budget. In implementing the provisions of this section, the Office of the Comptroller of Public Accounts should refer to the *Detailed Instructions for Preparing and Submitting Requests for Legislative Appropriations for the Biennium Beginning September 1, 1995*, and the definitions therein, and to the official budget request submitted by the affected agency.

Appropriations restricted to capital budget purposes and not identified in a "Capital Budget" as being for lease payments to the master equipment lease purchase program (MELLP) or for other lease-purchase (LP) payments may be utilized to make lease payments under MELLP or for other lease or installment payments only if the agency to which the appropriation is made provides a report to the Comptroller of Public Accounts specifying the sum of the lease payments to be made during the biennium for the Capital Budget item being acquired. The Comptroller of Public Accounts is hereby directed to reduce the appropriation made by this Act for the Capital Budget item in an amount equal to the difference between the appropriated amount and the sum of the lease payments for the biennium and deposit that amount into the unappropriated balance of the original funding source. In the event that the Comptroller of Public Accounts cannot determine the amount appropriated for a specific Capital Budget item, the amount shall be determined by the Legislative Budget Board.

Funds restricted to "Acquisition of Information Resource Technologies" may also be used to purchase or contract for computer time, facility resources, maintenance and training.

Appropriations restricted to capital budget purposes may be transferred from one capital budget item to another capital budget item in amounts not to exceed 25 percent for the fiscal year.

Any unexpended balances remaining in appropriations made by this Act for capital budget purposes for fiscal year 1996 are hereby reappropriated for fiscal year 1997 for the same purpose.

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(Continued)

For an agency which does not have a capital budget provision following its items of appropriation in this Act, the amount of "appropriations restricted to capital budget purposes" shall be deemed to be zero for the purpose of calculating the limitation on capital budget expenditures contained in the first paragraph of this section.

Sec. 38. Purchases of Information Resources Technologies.

1. In this section:
 - a. "Information resources" means the personnel, procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors.
 - b. "Information resources technologies" means data processing and telecommunications hardware, software, services, supplies, personnel, facility resources, maintenance, and training.
2. Each state agency appropriated funds in this Act shall submit an agency strategic plan, in accordance with Sections 2054.095 and 2054.096 of the Government Code, to the Department of Information Resources (DIR) for approval no later than January 1, 1995.
3. By no later than November 1, 1995, DIR shall adopt a state strategic plan, in accordance with Sections 2054.091 and 2054.092 of the Government Code, for the management of information resources. The state strategic plan must be a visionary road map for the management of the state's information resources. The plan must:
 - a. provide a strategic direction for the management of information resources for the four fiscal years following adoption of the plan; and
 - b. provide the framework so that the state's telecommunications systems can efficiently and effectively exchange information between state agencies.
4. Except as otherwise provided in this Act, the funds appropriated in this Act may not be expended to purchase information resources technologies unless the General Services Commission (GSC) issued a purchase order after a DIR approved purchase. DIR may approve a purchase only if it is in accordance with an approved agency strategic plan.
5. DIR shall adopt rules concerning:
 - a. whether certain types of purchases are exempt from this section;
 - b. the expediting of the purchase review process;
 - c. the format, content, updating, submission, and review of agency strategic plans;
 - d. the review of purchases of information resources technologies; and
 - e. emergency purchases of information resources technologies.
6. Pursuant to the authority granted by Article 16, Section 69 of the Texas Constitution, none of the funds appropriated by this Act shall be expended for the acquisition of information resources technologies of any kind, including data processing and telecommunications hardware, software, supplies, maintenance, services and training, until:

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(Continued)

- a. The agency plans are approved as required under the Information Resource Management Act.
- b. DIR has approved the agency selection of the most cost-effective alternative for the acquisition including, but not limited to, the following applicable alternatives: (1) acquisition of information resources from another state agency or agencies; (2) acquisition of information resources from a private firm; or (3) in-house development of information resources.
- c. DIR has approved that the agency performed a satisfactory analysis of alternatives. The agency analysis shall include, but not be limited to, the following factors: (1) start-up costs associated with the acquisition, including but not limited to, the purchase price of the acquisition, site preparation costs, freight charges, and staff costs; (2) estimated cost of maintenance; (3) estimated cost of supplies; (4) estimated cost of employee training; (5) estimated cost of additional long-term staff needed; (6) estimated increase in employee productivity; (7) consistency with agency plans approved by DIR; (8) consistency with statewide standards and policies established in the Statewide Strategic Plan.

The DIR shall adopt rules and procedures to govern the implementation of this subsection. Such rules may include the waiver of the DIR review and approval for expenditures below certain limits, for emergency purposes, or after a designated time period has elapsed.

7. Institutions of higher education shall coordinate the use of information technologies between institutions in order to provide education, research, and community service.

Sec. 39. Quality Assurance Review of Major Information Resources Projects.

1. Major information resource projects shall be construed as any information resources technology project identified in an agency operating plan whose development costs are over \$1,000,000 and include one or more of the following:
 - a. requires a year or more to reach operational status;
 - b. involves more than one agency or governmental unit; or
 - c. materially alters the work methods of agency personnel and/or the delivery of services to agency clients.
2. A state agency may not expend appropriated funds for a major information resources project unless the project has been reviewed and approved by a Quality Assurance Team comprised of the Department of Information Resources and the State Auditor's Office. The Quality Assurance Team shall determine approval based on an analysis of the project's risk. The Quality Assurance Team may request any information necessary to determine a project's potential risk. The Quality Assurance Team may waive the project review requirements for any project, as deemed appropriate.
3. The Quality Assurance Team may require independent project monitoring, project status reporting, project expenditure reporting, or any additional information necessary to assess a project's on-going potential for success. After a project has been completed, the team may also require an agency to submit a project post-implementation evaluation report to determine if the project met its planned objectives.

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(Continued)

4. The Department of Information Resources shall provide technical assistance to agencies in regard to quality assurance, participate in a project as deemed necessary by the Quality Assurance Team and review and analyze information provided by the agencies. The State Auditor's Office shall provide audit and review of the projects and the information provided by the agencies.
5. The Quality Assurance Team may request the assistance of the Legislative Budget Board and Comptroller's Office in regard to the accuracy of project expenditures and compliance with the appropriations bill.
6. The Quality Assurance Team will provide a report to the Legislature on the status of projects under its review by December 1 of each year.
7. The Department of Information Resources may issue guidelines and rules for software development, quality assurance and the review of major information resources projects.

Sec. 40. West Texas Disaster Recovery and Operations Data Center. The Department of Information Resources (DIR) shall operate, or through cooperative agreement, manage operations of a disaster recovery and operations data center on the campus of Angelo State University. It is the intent of the Legislature that all state agencies and institutions of higher education utilize the West Texas Disaster Recovery Center (the Center) for testing disaster recovery plans and for disaster recovery services. None of the funds appropriated by this Act may be expended for entering into or renewing contracts for disaster recovery plan testing services or disaster recovery services from other state agencies or other providers of these services without first obtaining a waiver from the DIR certifying that the requested service requirements cannot be provided at reasonable costs through the Center. Waiver requests will be evaluated by the DIR based on cost-effectiveness to the State of Texas. Waivers may be granted for specific periods of time and any contracts for services obtained under waiver shall not extend beyond the expiration date of the waiver.

State agencies and institutions of higher education that use the Center shall do so under contract with the DIR. The DIR is further authorized to collect fees for these services in amounts which offset the direct and indirect costs of providing such services. The DIR may request assistance from the State Auditor's Office regarding the billing system formula for offsetting service costs. The DIR is further directed to work with the Council on Competitive Government on issues concerning state data center consolidations and provide information relating to the use of the Center as a location for one of the state's consolidated data centers.

Sec. 41. Construction Standards. All agencies, departments and institutions covered by this Act shall ascertain that the standards and specifications for new construction, repair and rehabilitation of existing structures and facilities are in accordance with Article 601b, V.T.C.S. A statement shall be filed with the Comptroller of Public Accounts to show compliance with this Section.

Sec. 42. Construction Project Analysis Required. None of the funds appropriated by this Act, except for funds appropriated to institutions of higher education, may be expended for capital construction projects that are subject to project analysis provisions of Article 5 of, Article 601b, V.T.C.S., unless the agency, department or institution has complied with those provisions and completed the project analysis process. Prior to expenditure of any funds subject to this section for capital construction projects, a completed project analysis must be filed with the Legislative Budget Board, the Governor's Office of Budget and Planning, and the Comptroller of Public Accounts.

Sec. 43. Prime Design Professional Fees. The prime design professional may be either a registered architect or a registered professional engineer. Fees paid to the prime design professional from funds appropriated in this Act shall be governed by the following schedule and provisions:

OTHER EXPENDITURES LIMITATIONS (Continued)

1. The schedule of basic fees to be paid a prime design professional for all professional services as set out below, based on the total cost of the work, shall not exceed:

Construction Cost of Project:	Dormitories, Garages, and Warehouses	Classroom, Office and Other Bldgs.	Health, Research, Special Education Facilities
Over \$15,000,000	6.0%	6.0%	6.0%
\$200,000 to \$15,000,000	6.5%	7.0%	7.5%
Up to \$200,000	7.5%	8.0%	8.5%

Basic fee for remodeling and alterations shall be one-third greater than scheduled above. Alterations and remodeling is defined as any change, architectural, structural, mechanical or electrical, made to an existing structure and includes portions of that structure changed as a result of additions or extensions to a structure.

2. When one building design is used in two or more locations within the same project, the fees to be paid shall be:
 - a. For the first building of such design, a basic fee calculated according to the schedule above.
 - b. For the second and subsequent buildings utilizing such design, the basic fee shall be reduced 35%. Such fee shall include changes required by site conditions including foundation redesign; partition changes; mechanical and electrical changes; necessary program changes; other architectural or engineering services normal under such circumstances; and inspection of the construction.
3. Prime design professional fees shall include:
 - a. The necessary conferences, and the preparation of preliminary studies and final designs.
 - b. The production of complete architectural and engineering drawings and specifications including their proper correlation.
 - c. Construction contract administration and all other normal professional services.
 - d. Payment of all fees to consulting engineers, architects and landscape architects for their services in connection with the building design and construction when employed by the prime design professional.
4. The prime design professional shall inspect the construction of the work to such an extent as may be necessary to ascertain whether the work is being executed in conformity with his working drawings or specifications or directions; make recommendations on materials and equipment; check and report on contractor's proposals in connection with changes in the contract; and approve certificates of payment. When continuous field supervision or a clerk of the works is deemed necessary by the state, the cost of such supervisory personnel shall be borne by the state in addition to the basic fee.
5. The maximum fee specified shall include the cost of all professional services rendered by architects or engineers, and the aggregate contract price for services rendered by a consulting

OTHER EXPENDITURES LIMITATIONS

(Continued)

architect and consulting engineer shall never exceed the applicable fee limitation except as set forth in sub-section 4 hereof.

6. The state will furnish the prime design professional a limited consulting service consisting of a complete survey, soil analysis, and a program of the work outlining in detail the space requirements, their general relationships and the standards of types of construction.

Sec. 44. **Construction Policy.** No state entity receiving an appropriation under this Act may establish a rule or policy which is inconsistent with the legislative intent that funds appropriated herein for construction projects be expended only pursuant to state entity policies which provide the greatest competitive advantage to the state allowable under Article 5159a., V.T.C.S.

Sec. 45. **Limitation on Use of Funds for Personal Residences.** Out of appropriations made by this Act, no expenditures exceeding an aggregate amount of \$25,000 for the biennium beginning on September 1, 1995 shall be made for purchasing, remodeling or repairing of personal residences or living quarters unless the expenditures are either required by court order, or will result in increased safety, significant net cost savings or prevention of substantial waste. Prior to any such expenditure in excess of \$25,000, the Governor and Legislative Budget Board must approve the expenditure under authority granted pursuant to Article XVI, Section 69, of the Texas Constitution. In the event of an emergency or in the absence of a meeting by the Legislative Budget Board within 30 days of the request, the Director of the Legislative Budget Board, after consultation with the Board members, may take action in conjunction with the Governor on the request. The General Services Commission shall report all expenditures for this purpose to the Legislative Budget Board.

Sec. 46. **Contracts for Professional Services: Indemnification.** In contracting for professional services under Subchapter A, Chapter 2254, Government Code (the Professional Services Procurement Act) using funds appropriated under this Act, a state agency may require the contractor to indemnify or hold harmless the state from claims and liabilities resulting from the negligent errors, omissions, or acts of the contractor or persons employed by the contractor. A state agency may not include contractual provisions requiring a contractor to indemnify or hold harmless the agency for damages arising from the negligent acts of the agency or its employees.

Sec. 47. **Limitation on Consultant Contracts with Previous Employees.** None of the funds appropriated by this Act may be used to enter into a consultant contract with any individual who has been previously employed by the department or agency within the past twelve months.

Sec. 48. **Contracting for In-State Services.** In contracting for professional services using funds appropriated under this Bill, a state agency shall require the contractor to "Buy Texas" products and materials when they are available at a comparable price and in a comparable period of time.

Sec. 49. **Unfair Business Practices.** Funds appropriated by this Act shall not be used to purchase supplies, equipment or services from companies which have been found, in a judicial or state agency administrative proceeding, to be guilty of unfair business practices. This restriction shall also apply to any company which has as an officer an individual who served as an officer in another company which has been found, in a judicial or state agency administrative proceeding, to be guilty of unfair business practices. This restriction on expenditures shall be in effect for a period of one year from the determination of guilt.

Sec. 50. **Plants.** None of the funds appropriated by this Act shall be expended for the purchase, rental, or maintenance of live or artificial indoor plants used purely for aesthetic purposes.

Sec. 51. **Grant Restriction.** None of the funds appropriated by this Act may be expended for grants to any law enforcement agency regulated by Chapter 415, Government Code, unless (i) the law enforcement agency requesting the grant is in compliance with all rules developed by the Texas

OTHER EXPENDITURES LIMITATIONS (Continued)

Commission on Law Enforcement Officer Standards and Education pursuant to Chapter 415, Government Code or (ii) the Texas Commission on Law Enforcement Officer Standards and Education certifies that the requesting agency is in the process of achieving compliance with such rules.

Sec. 52. Listing of Bidders. None of the funds appropriated by this Act shall be expended for the development or maintenance of a bidders list other than a central list authorized to be maintained by the General Services Commission under provisions of Article 601b, V.A.C.S. The limitation created by this section shall not apply to institutions of higher education or to the Department of Transportation. However, it is the intent of the Legislature that institutions of higher education utilize the commission's central bidders list whenever possible.

Sec. 53. Expenditures for State-federal Relations. None of the funds appropriated by this Act may be spent by a state agency to carry on functions for which funds have been appropriated to the Office of State-Federal Relations to perform except when an interagency contract has been executed between the Office of State-Federal Relations and the state agency. Prior to travel to Washington, D.C., state agency personnel shall inform the Office of State-Federal Relations regarding the timing of the trip, its purpose, and the name of a contact person for additional information.

Sec. 54. Research Policy. No agency may expend any funds appropriated by this Act for research projects of any type until the agency has adopted and filed with the Legislative Budget Board a policy which clearly establishes and protects the property rights of the state with regard to any patentable product, process, or idea that might result from such research.

In order to avoid duplication, state agencies, excluding institutions of higher education, may not expend funds appropriated by this Act to conduct or support policy research on subjects within the statutory jurisdiction of another agency without providing prior written notification to the agency concerning a work plan and the coordination of resources.

Sec. 55. Court Representation and Outside Legal Counsel. Except as otherwise provided by the Constitution or general or special statutes, the Attorney General shall have the primary duty of representing the State of Texas in the trial of civil cases. Funds appropriated in this Act may not be expended by any agency of the state government (other than those included in Article X of this Act) to initiate a civil suit or defend itself against any legal action without the consent of the Attorney General. Upon receipt of a request for outside counsel, it is the intent of the Legislature that the Attorney General shall make a determination on the request as expeditiously as possible, but in no event later than 10 working days after receiving such request. Absent this consent, such agency shall be represented in that particular action by the Office of the Attorney General. Where the Attorney General, District Attorney, Criminal District Attorney, County Attorney, or other lawyer is required by constitutional or statutory provision to represent a state agency, state official, state board or state department, no compensation shall be paid from any appropriation made in this Act to any other attorney for representing the State of Texas in the trial of a civil suit in Constitutional Courts except in those cases where the Attorney General consents to such representation or the District Attorney, Criminal District Attorney, County Attorney or other lawyer has requested that the attorney or attorneys employed by the particular state agency, state official, state department or state board assist with the trial of the particular civil suit. This provision shall not, however, restrict a state agency, state official, state department or state board in the investigation and assembling of evidence in connection with a pending or prospective civil suit. Further, this provision shall not prohibit the foregoing state officials, state agencies, state boards or state departments and their employees from investigating, filing or presenting a claim, owing to the State of Texas, when such claim is filed with or presented to an individual, association, corporation, guardian, administrator, executor, receiver, trustee, legal representative, or probate court.

OTHER EXPENDITURES LIMITATIONS

(Continued)

This provision shall not restrict the Attorney General from employing special assistants to assist in the trial of civil suits to be paid from the appropriations therefor made to the Attorney General's Office.

Prior to expenditure of funds for retaining outside legal counsel, agencies and departments other than those included in Article X of this Act shall request the Attorney General to perform such services. If the Attorney General determines that outside counsel is in the best interest of the state, the Attorney General shall so certify to the Comptroller of Public Accounts and to the requesting agency which may then utilize appropriated funds to retain outside counsel. However, funds appropriated by this Act may not be used to contract with an attorney who represents clients before the agency or who has, during a six month period preceding the initiative of the contract and a six month period following the termination of the contract, represented clients before the agency. It is specifically provided that no agency shall initiate the process of selecting outside legal counsel prior to receiving the approval of the Attorney General to retain outside counsel.

It is the intent of the Legislature that when the Attorney General is called upon by a state agency to take legal action in court against another state agency that the Attorney General give special consideration to permitting one of the agencies to employ, from the permitted agency's funds, outside counsel to represent that agency in that action in order to avoid a conflict of interest by the Attorney General in the representation of both agencies.

In the event that the Attorney General should initiate legal action against another state agency in behalf of the Attorney General rather than another agency, the Legislature determines that a conflict of interest exists and the agency against which the Attorney General takes action is hereby authorized to expend appropriated funds for outside legal counsel to represent that agency without the prior approval or consent of the Attorney General.

This section shall not apply to funds appropriated to the Office of the Governor; Comptroller of Public Accounts; Treasury Department; Department of Agriculture; General Land Office and Veterans Land Board; or the Railroad Commission of Texas.

Sec. 56. Judgments.

1. None of the funds appropriated by this Act may be expended for payment of any judgment or settlement prosecuted by or defended by the Attorney General and obtained against the State of Texas or any state agency, except pursuant to this section or where it is specifically provided in an item or items of appropriation that the funds thereby appropriated or expenditures therein authorized may be used for the payment of such judgments.
2. State agencies appropriated funds by this Act are hereby authorized to expend funds appropriated elsewhere in this Act for the purposes of paying settlements and judgments against the state for causes brought in a federal court or a Texas state court under specific statutory authority. Payments made pursuant to this provision are hereby made subject to the following processes and limitations: (a) such funds are to be paid out by the Comptroller on vouchers drawn by the agency settling the lawsuit or paying the judgment, subject to the approval of the Governor and of the Attorney General according to Subsection 4 of this section; (b) for purposes of this subsection, judgment shall mean a judgment order rendered in a federal court or a Texas state court of competent jurisdiction for which an appeal or rehearing, or application therefor, is not pending and for which the time limitations for appeal or rehearing have expired; (c) the payment for any settlement or judgment shall not exceed 10% of the total amount of funds available for expenditure by the payer agency for that fiscal year of \$250,000, whichever is less. The authorization provided by this subsection shall not apply in those cases where the judgment order of the trial court was entered, or a settlement agreement was executed, prior to September 1, 1995.

OTHER EXPENDITURES LIMITATIONS

(Continued)

3. At least one-half of any amounts appropriated by an Act of any session of the Legislature subsequent to the 74th Legislature, Regular Session, in settlement of a judgment or in settlement of a cause of action brought against the State shall be transferred from amounts appropriated to the involved agency for that fiscal year. The transfer requirement established by this paragraph may be waived either in whole or in part by the Legislative Budget Board.
4. Payment of all judgments and settlements prosecuted by or defended by the Attorney General is subject to approval of the Attorney General as to form, content, and amount, and certification by the Attorney General that payment of such judgment or settlement is a legally enforceable obligation of the State of Texas. This provision shall apply equally to funds appropriated for expenditure through the State Treasury, as well as funds appropriated for expenditure from funds held in local banks.
5. The Attorney General shall report to the Legislative Budget Board and the Governor's Office of Budget and Planning not less than monthly, a listing of all settlements and judgments above \$5,000 submitted to the Comptroller for payment. The document for publication shall contain at least the following information unless all or part of the information is exempt by court order or the Open Records Act: (1) a summary of the cause of action; (2) a summary of the terms of the settlement; (3) the style of the case; (4) the name and business address of each attorney representing the opposing litigants at the time of the settlement; (5) the amount of the judgment or settlement; (6) the fund or account from which payment was or should be made; (7) the statutory citation for the appropriation or other authority to be made; and (8) specific statutes granting waiver of sovereign immunity or legislative resolution granting litigant permission to sue.
6. The State Auditor shall verify compliance with this requirement for all funds appropriated in this Act, including funds which are retained and expended from accounts held outside the Treasury and which are not subject to reimbursement through funds held in the Treasury. Upon verification that an agency has not obtained the Attorney General's approval prior to payment of a judgment or settlement, the State Auditor shall certify such fact to the Comptroller of Public Accounts. The Comptroller shall withhold all appropriations for administrative expenses for the involved agency, until such time as the Legislative Audit Committee notifies the Comptroller that the agency's non-compliance has been reviewed and necessary recommendations or changes made.

Sec. 57. Purchase of Insurance. None of the funds appropriated by this Act may be expended for purchasing insurance to cover claims arising under the Texas Tort Claims Act. Notwithstanding the foregoing, a state agency may purchase director's or officer's liability insurance with appropriated funds for the agency's appointed commission or board members and executive management staff.

Sec. 58. Expenditures for Representatives of Grievants Prohibited. None of the funds appropriated by this Act may be used to pay expenses for salary, travel or per diem of public employees who represent grievants in the presentation of grievances concerning wages, hours of work, or conditions of work except that state employees are allowed to take annual leave, compensatory leave, or leave without pay, subject to the procedures established by their agency of employment, to engage in this activity.

BUDGET POLICY & APPROPRIATION MANAGEMENT

Sec. 59. Performance Rewards and Penalties. It is the intent of the legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of each state agency and institution. In order to achieve the objectives and service standards established by this Act, agencies and institutions shall make every effort to attain the designated key performance target levels associated with each item of appropriation.

- (a) To support and encourage the achievement and maintenance of these appropriated annual performance levels, continued expenditure of any appropriations in this Act shall be contingent upon compliance with the following provisions:
 - (1) Agencies and institutions, in coordination with the Legislative Budget Board, shall establish performance milestones for achieving targets within each annual budget and performance period; time frames for these milestones and the related performance reporting schedule shall be under guidelines developed by the Legislative Budget Board.
 - (2) Agencies and institutions shall provide testimony as to the reasons for any performance variances to the Senate Finance Committee and the House Appropriations Committee, as determined to be necessary by those committees; assessments of agency and institution performance shall be provided to the committees under guidelines and procedures developed by the Legislative Budget Board.
- (b) Upon a finding that an agency or institution has successfully met or exceeded performance expectations, or has failed to achieve expected performance levels, the Legislative Budget Board, and the Governor, may adopt a budget execution order, which may include but is not limited to, one or more of the following:
 - (1) Positive Incentives/Rewards - Increased funding, exemption from reporting requirements, increased funding transferability, formalized recognition or accolade, awards or bonuses, expanded responsibility, or expanded contracting authority;
 - (2) Negative Incentives/Redirection - Evaluation of outcome variances for remedial plan, reduction of funding, elimination of funding, restriction of funding, withholding of funding, reduction of funding transferability, transfer of functional responsibility to other entity, recommendation for placement in conservatorship, direction that a management audit be conducted or direction that other remedial or corrective actions be implemented.
 - (3) The Legislative Budget Board may develop rules and procedures for the implementation of the above provisions.
 - (4) The Legislative Budget Board may request from the State Auditor's Office comments regarding performance penalties and rewards.

Sec. 60. Performance Benchmarking. It is the intent of the Legislature that the Legislative Budget Board, in conjunction with the Governor's Office of Budget and Planning and the State Auditor's Office, develop a procedure for the development and identification of agency-specific and statewide benchmarks which would provide for the interstate comparison of state agency and state government performance.

Sec. 61. Investment Budgeting. It is the intent of the Legislature that the Governor's Office of Budget and Planning and the Legislative Budget Board develop a procedure to incorporate the

BUDGET POLICY & APPROPRIATION MANAGEMENT

(Continued)

concept of "investment budgeting" into the legislative appropriations process for the 1998-99 biennium.

Sec. 62. Service Type Categorization. It is the intent of the Legislature that the Governor's Office of Budget and Planning and the Legislative Budget Board supplement state fiscal data by the organization of the data into a manageable set of categories and subcategories based on service type and population.

Sec. 63. Analysis of Interagency Overlap and/or Duplication. It is the intent of the Legislature that the Legislative Budget Board and the Governor's Office of Budget and Planning, in conjunction with the development of their budget estimates for the 1998-99 biennium, identify agency-specific budget elements which share common statewide missions, goals and service categories for the purpose of identifying program areas in which the potential for overlap in agency jurisdiction or duplication in agency efforts may exist.

Sec. 64. Accounting Irregularities. Upon a determination by the Comptroller of Public Accounts that an agency or institution of higher education has inaccurately reported the expenditure of appropriated funds or has demonstrated other reoccurring accounting irregularities, the Comptroller of Public Accounts is hereby authorized to refer such agency or institution to the State Auditor to take appropriate action including, but not limited to, the implementation of a comprehensive financial audit of the agency or institution.

Sec. 65. Bookkeeping Entries. Should clerical or bookkeeping errors result in any moneys being expended, transferred, or deposited into incorrect funds in or with the State Treasury or any moneys being cleared from a trust and suspense fund to other than the proper fund, such erroneously expended, transferred, deposited, or cleared moneys may be transferred to the correct funds or accounts or trust and suspense account within the State Treasury upon request of the administering department with the concurrence of the State Comptroller, and so much as is necessary for said transfer is hereby appropriated.

Sec. 66. Accounting for State Expenditures. Notwithstanding the various patterns of appropriation established in this Act, the Comptroller of Public Accounts is hereby directed to account for the expenditure of funds appropriated by this Act in a manner which allows for the reporting of expenditures attributable to each strategy in each agency's respective Strategic Planning and Budget Structure as approved by the Governor's office of Budget and Planning and the Legislative Budget Board. Such information shall be recorded and maintained systematically in the state accounting system in a manner which provides for the integration of the state's budget data and the state's accounting data and to facilitate the state's budget development process.

This provision is not intended to require the deposit into and subsequent disbursement of funds from the State Treasury which relate to Texas Public Education Grants, Skiles Act Debt Service, or Local Funds defined in Section 51.009(C), Education Code, except for tuition and lab fees.

Sec. 67. Cost Allocations. For the purpose of more effective and efficient identification and allocation of costs, and to effect timely payments to employees and vendors, agencies may temporarily charge salary and/or operating costs to appropriations most applicable for the expense being incurred. Upon receipt of more specific information such as personnel-time allocation information for payrolls, or allocation of office supplies or other goods and services, agencies may reimburse the original paying appropriations by transfer from the appropriation to which the expenditure should have been charged. Such transfers must be accomplished within twelve months in a manner which records appropriate expenditures to the borrowing appropriation and negative expenditures to the lending appropriation. These transfers may be in summary amounts in a manner approved by the Comptroller of Public Accounts. Each agency must maintain adequate detailed records to support summary transfer amounts.

BUDGET POLICY & APPROPRIATION MANAGEMENT

(Continued)

Sec. 68. Appropriation Authority for Administrative and Support Costs Allocations.

1. This section shall apply to only those state agencies and institutions of higher education for which the pattern of appropriation items contained in this Act does not include a Goal or Strategy item styled "Indirect Administration".
2. In order for agencies subject to this section to capture and allocate administrative, support, or other indirect costs, hereinafter referred to as "administrative", to strategies, agencies are hereby authorized to create administrative cost pools with spending authority, unless otherwise specifically restricted or prohibited, as follows:
 - a. Agencies have the ability to create temporary administrative cost spending authority to allow for the efficient accounting and reporting for administrative cost breakdowns required by the Legislative Budget Board and the Governor's Office of Budget and Planning in agencies' Legislative Appropriations Requests.
 - b. Agencies may transfer appropriation amounts from any appropriation into the administrative cost pool for payment of these administrative costs.
 - c. Using the methodology authorized in Section 51 of this article, or other appropriate means, administrative expenditures must be allocated to the appropriate strategy within one month after the end of each quarter or other reporting period as later required by the Legislative Budget Board and the Governor's Office of Budget and Planning.
 - d. Unexpended and unobligated balances in the administrative cost pools must be transferred back to the source appropriation within 30 days after the end of each fiscal year.
3. It is the intent of the Legislature that the provisions of subsection 2 be included in any special appropriation act which makes an appropriation subject to the cost allocation requirements of the Legislative Budget Board and the Governor's Office of Budget and Planning. The Comptroller shall establish rules and procedures for the agencies to carry out the provisions of this section in the Uniform Statewide Accounting System.

Sec. 69. Special Fiscal Year Determination Procedures.

- (1) Subscriptions to magazines and newspapers. The funds appropriated by this Act to a state agency for a particular fiscal year may be used to pay for the complete cost of a magazine or newspaper subscription even if the subscription covers more than one fiscal year.
- (2) Seminars and conferences. The funds appropriated by this Act for a particular fiscal year may be expended to pay the complete cost of registering for or reserving a meeting room or other space for a seminar or conference notwithstanding the fact that it will occur during the next fiscal year. This subsection applies only if the sponsor of the seminar or conference or owner of the meeting room or other space requires the payment to be received before the beginning of the next fiscal year. Payments under this subsection are subject to rules and procedures established by the Comptroller of Public Accounts.
- (3) Monthly telephone line charges. The funds appropriated by this Act for a particular fiscal year may be expended to pay a monthly telephone line charge that covers all or part of August of that fiscal year and all or part of September of the next fiscal year. This subsection does not apply to long-distance or other charges made on a per-call basis.

BUDGET POLICY & APPROPRIATION MANAGEMENT

(Continued)

Sec. 70. Grants. Funds appropriated by this Act for grants of money to be made by state agencies, including the agencies in the legislative branch, are appropriated for the statutory purposes as the grantor agency may specify. It is the intent of the Legislature that grants be distributed by state agencies on a reimbursement or as needed basis unless otherwise provided by statute or otherwise determined by the grantor agency to be necessary for the purposes of the grant.

Funds appropriated by this Act for grants to be made by a state agency for a particular fiscal year may be distributed in subsequent fiscal years so long as the grant has been awarded and treated as a binding encumbrance by the grantor agency prior to the end of the appropriation year of the funds appropriated for grant purposes. Distribution of the grant funds is subject to Section 403.071, Government Code.

In the event the Legislature should appropriate oil overcharge moneys for programs administered by the Texas Department of Housing and Community Affairs to benefit low to moderate income Texans, the Office of the Governor or administering agency shall advance two months of the expected contract dollars upon the commencement of the program agency contract. Additional funds shall be provided to the contracting agency as documentation of the expenditure of advanced dollars is received.

Sec. 71. Annual Fee Rate Review and Adjustment. It is the intent of the legislature that agencies annually review all fees and fee rates administered and adjust rates as necessary to recover the costs of providing services and to maintain rates consistent with inflation.

Sec. 72. Prompt Payment for Interagency Goods and Services. Any funds appropriated by this Act that are obligated pursuant to written agreement for payment by one state agency or institution to another state agency or institution for the exchange of goods or services shall be remitted within thirty (30) days after the goods or services are provided and an invoice is received. In the event that a receiving agency or institution does not accept the goods or services or finds an error in the invoice, the receiving agency or institution shall notify the performing agency or institution in writing as soon as possible within the 30-day period and shall make payment not less than ten (10) days after the problems are corrected or the error resolved to the satisfaction of both parties. If both parties are unable to agree on the amount of payment, the Comptroller shall determine the appropriate amount. However, in the event that written notice is not provided within the 30-day period, the Comptroller is hereby authorized to transfer the necessary funds upon request by the agency or institution providing the interagency goods and services from appropriated balances of the receiving agency or institution.

Sec. 73. Prompt Payment Discounts. State agencies when purchasing goods and services including those purchased through or by the General Services Commission shall negotiate a prompt payment discount with the vendor.

Sec. 74. Reimbursements for Unemployment Benefits.

1. At the close of each calendar quarter, the Texas Employment Commission shall prepare a statement reflecting the amount of unemployment benefits paid to all former state employees based on wages earned from state employment and present it to the Comptroller of Public Accounts, who is hereby directed to pay by warrant or transfer out of funds appropriated from the General Revenue Fund-Consolidated such amount to the Unemployment Compensation Benefit Account to reimburse it for such payments.

The General Revenue Fund-Consolidated shall be reimbursed, for one-half of the unemployment benefits paid, from appropriations made in this Act to the state agency which previously employed each respective former state employee whose payroll warrants were originally issued in whole or part from the General Revenue Fund, General Revenue Fund-

BUDGET POLICY & APPROPRIATION MANAGEMENT

(Continued)

Consolidated, General Revenue Fund-Dedicated, or Other Special Funds. From information provided by the Texas Employment Commission, the Comptroller of Public Accounts shall determine the proportionate amount of the reimbursement or payment due from the General Revenue Fund, General Revenue Fund-Consolidated, General Revenue Fund-Dedicated, and Other Special Fund appropriations and transfer such amounts to the General Revenue Fund-Consolidated. The amounts reimbursed pursuant to this paragraph are hereby reappropriated to the General Revenue Fund-Consolidated for the purpose of reimbursing the Unemployment Compensation Benefit Account No. 937. The reimbursement requirements established by this paragraph may be waived, either in whole or in part, by the Legislative Budget Board.

In addition, the General Revenue Fund-Consolidated shall be reimbursed, for one-half of the unemployment benefits paid, from amounts appropriated to the Reimbursements to the Unemployment Compensation Benefit Account item in this Act out of Other Special Funds and shall be fully reimbursed from funds held in local bank accounts for all former state employees whose payroll warrants were originally issued in whole or part from Other Special Funds or local bank accounts, respectively. From information provided by the Texas Employment Commission, the Comptroller of Public Accounts shall determine the proportionate amount of the reimbursement or payment due from funds other than General Revenue, General Revenue-Consolidated, and General Revenue-Dedicated and transfer such funds to the General Revenue Fund-Consolidated. For reimbursements due from funds not held in the State Treasury, state agencies shall reimburse the General Revenue Fund-Consolidated with a check. The amounts reimbursed from local funds pursuant to this paragraph are hereby reappropriated to the General Revenue Fund-Consolidated for the purpose of reimbursing the Unemployment Compensation Benefit Account No. 937. Such transfers and payments as are authorized under law shall be made within thirty (30) days from receipt of the statement of payments due. The Comptroller of Public Accounts may prescribe accounting procedures and regulations to implement this section.

2. An agency, institution, department, commission, board, division, or other unit of state government is authorized to allocate funds to a revolving account created on its books to receive contributions from funds other than General Revenue based on a percentage-of-payroll assessment to be determined by such unit of government for the purpose of reimbursing the General Revenue Fund-Consolidated for the unemployment benefits paid.
3. The State Auditor shall review in his audit of respective agencies compliance with the provisions of this section. The Comptroller of Public Accounts, upon receipt of notification from the State Auditor's Office of amounts remaining due from funds held outside the State Treasury, shall lapse or reduce equivalent amounts of any General Revenue appropriations for such agencies until the delinquent amounts are repaid.
4. The Comptroller of Public Accounts, upon certification of amounts due from the Texas Employment Commission, including the sources of such amounts due, may transfer funds from such state agencies, institutions, departments, commissions, boards, divisions, or other units of state government as the Texas Employment Commission certifies remain due over thirty (30) days from receipt of the statement of payments due. The Texas Employment Commission shall also determine the amounts due from funds held outside the Treasury and notify the State Auditor and Comptroller of such amounts.

Sec. 75. Reimbursements for Workers' Compensation Payments.

1. At the close of each fiscal quarter, the Workers' Compensation Division of the Attorney General's Office shall prepare a statement reflecting the amount of workers' compensation

BUDGET POLICY & APPROPRIATION MANAGEMENT

(Continued)

benefits paid to, or on behalf of, former and current state employees based on wages earned from state employment and present it to the Comptroller of Public Accounts.

The General Revenue Fund shall be reimbursed, for twenty-five percent (25%) of the workers' compensation benefits paid out of Strategy Item A.1.1., Workers' Comp Payments, from appropriations made elsewhere in this Act to the state agency which previously employed or currently employs each former or current state employee whose payroll warrants were originally issued in whole or in part from the General Revenue Fund, General Revenue Fund-Consolidated, General Revenue Fund-Dedicated, or Other Special Funds. From information provided by the Workers' Compensation Division of the Attorney General's Office, the Comptroller of Public Accounts shall determine the proportionate amount of the reimbursement or payment due from the General Revenue Fund, General Revenue Fund-Consolidated, General Revenue Fund-Dedicated, and Other Special Fund appropriations and transfer such amounts to the General Revenue Fund. The amounts reimbursed pursuant to this paragraph are hereby reappropriated for the purpose of paying workers' compensation benefits out of Strategy Item A.1.1., Workers' Comp Payments, for current and former state employees. The reimbursement requirements established by this paragraph may be waived, either in whole or in part, by the Legislative Budget Board.

In addition, the General Revenue Fund shall be reimbursed, for seventy-five percent (75%) of the workers' compensation benefits paid, from balances in Other Special Funds, and such amounts as may be necessary are hereby appropriated out of Other Special Funds for this purpose, and shall be fully reimbursed from funds held in local bank accounts for all former and current state employees whose payroll warrants were originally issued in whole or in part from Other Special Funds or local bank accounts, respectively. From information provided by the Workers' Compensation Division of the Attorney General's Office, the Comptroller of Public Accounts shall determine the proportionate amount of the reimbursement or payment due from funds other than General Revenue, General Revenue-Consolidated, and General Revenue-Dedicated and transfer such funds to the General Revenue Fund. For reimbursements due from funds not held in the State Treasury, state agencies shall reimburse the General Revenue Fund with a check. Twenty-five percent (25%) of the amounts reimbursed from local funds pursuant to this paragraph are hereby reappropriated for the purpose of paying workers' compensation benefits out of Strategy Item A.1.1., Workers' Comp Payments, for current and former state employees.

Such transfers and payments as are authorized under law shall be made within thirty (30) days from receipt of the statement of payments due. The Comptroller of Public Accounts may prescribe accounting procedures and regulations to implement this section.

2. An agency, institution, department, commission, board, division, or other unit of state government is authorized to allocate funds to a revolving account created on its books to receive contributions from funds other than General Revenue based on a percentage-of-payroll assessment to be determined by such unit of government for the purpose of reimbursing the General Revenue Fund for the workers' compensation paid.
3. The State Auditor shall review in his audit respective agencies compliance with the provisions of this section. The Comptroller of Public Accounts, upon receipt of notification from the State Auditor's Office of amounts remaining due from funds held outside the State Treasury, shall lapse or reduce equivalent amount of any General Revenue appropriations for such agencies until the delinquent amounts are repaid.
4. The Comptroller of Public Accounts, upon certification of amounts due from the Workers' Compensation Division of the Attorney General's Office, including the sources of such amounts due, may transfer funds from such state agencies, institutions, departments,

BUDGET POLICY & APPROPRIATION MANAGEMENT

(Continued)

commissions, boards, divisions, or other units of state government as the Workers' Compensation Division of the Attorney General's Office certifies remain due over thirty (30) days from receipt of the statement of payments due. The Workers' Compensation Division of the Attorney General's Office shall also determine the amounts due from funds held outside the Treasury and notify the State Auditor and Comptroller of such amounts.

REPORTING REQUIREMENTS

Sec. 76. Budgeting and Reporting. As a limitation and restriction upon appropriations made by this Act, agencies and institutions of higher education appropriated funds by this Act may expend funds only if there is compliance with the following provisions:

1. On or before November 1 of each fiscal year, an itemized budget covering the operation of that fiscal year shall be filed with the Governor's Office of Budget and Planning, the Legislative Budget Board, the Treasury Department and Legislative Reference Library in the format prescribed jointly by both budget offices. The operating budget submitted shall include a cash flow analysis in a format determined by the State Treasurer. Such analysis shall be required of any agency by the State Treasurer only if the Treasurer has determined that revenue benefits will accrue to the state as a result of the analysis.
2. All subsequent amendments to the original budget shall be filed with the Governor's Office of Budget and Planning and the Legislative Budget Board within thirty (30) days of approval of such amendments unless such reporting requirement is waived.
3. Under guidelines developed by the Legislative Budget Board, each agency shall file a report with the Legislative Budget Board, the Governor's Office of Budget and Planning, the Legislative Reference Library, the Texas State Publications Clearinghouse, and the appropriate substantive committees of the House and Senate analyzing the performance and operational efficiency of each funded objective and strategy as indicated by the agency's efforts in attaining stated outcome, output and efficiency targets. The report shall be submitted at such intervals required by the Legislative Budget Board and shall contain a comparison of actual performance for the reporting period with performance projected to be achieved based on the level of funding appropriated. In developing guidelines for the submission of agency performance reports, the Legislative Budget Board shall:
 - (1) specify the measures to be reported including the key performance measures established in this Act;
 - (2) approve the definitions of measures reported; and,
 - (3) establish standards for the calculation of projected performance target levels and the reporting of significant variances between actual and projected target levels.

The Legislative Budget Board may adjust projected performance target levels, modify existing measures and measure definitions, develop new measures, and/or transfer measures between agencies to reflect appropriation changes made by riders or other legislation subsequent to passage of this Act, invocation of budget execution authority by the Governor and the Legislative Budget Board, or as unforeseen circumstances may warrant during the biennium.

4. To ensure that the Program and Cost Accounting functions of the Uniform Statewide Accounting System (USAS) are maximized, it is the intent of the Legislature that the Legislative Budget Board and the Governor's Budget Office: (1) determine the agencies, institutions, goals, strategies or other reporting units for which cost accounting data is

REPORTING REQUIREMENTS (Continued)

required; (2) approve the basis for calculating and allocating costs to selected functions, tasks or measures; (3) determine the frequency of reporting cost accounting data needed; and, (4) provide for the integration of cost accounting data into the budget development and oversight process. The determinations to be made should be based upon due consideration of the relative benefits and cost-effectiveness of applying cost accounting requirements to a given state operation.

It is further the intent of the Legislature that the Comptroller of Public Accounts develop and provide USAS training modules and support for state agencies and institutions to activate the cost accounting requirements addressed above.

Sec. 77. Annual Reports and Inventories. None of the moneys appropriated by this Act may be expended after a period of ninety (90) days following the close of the fiscal year unless there has been filed with the Governor, the State Auditor, the Legislative Budget Board, Legislative Reference Library, and Comptroller of Public Accounts an annual report as of August 31 of the preceding fiscal year by the executive head of each department or agency specified in this Act, showing the use of appropriated funds.

An annual report shall be prepared by the agency to present the financial position and the results of its operations and changes in financial position for the fiscal year in conformity with reporting guidance provided by the Comptroller of Public Accounts. The Comptroller will approve all reports as to form and content. The guidance may require supplemental information necessary for preparation of the state's Comprehensive Annual Financial Report.

The annual report shall include the following:

1. An annual financial report including a statement of assets, liabilities and fund balances and showing the true condition of all funds and accounts balances for which the department or agency head is responsible, and reflecting the actual cash on hand and on deposit in banks and in the State Treasury accounts, and moneys due the department or agency from all sources; values of consumable supplies and postage; values of inventories of movable equipment and other fixed assets; investments of bonds, notes, and other securities owned by any special funds under the jurisdiction of the department or agency; all other assets; and all sums of which the department or agency is liable for services rendered or goods received; and all outstanding commitments. The report shall also contain summaries by sources of all revenues collected or accruing to the state through the department or agency for the fiscal year immediately preceding; and a summary of appropriations, expenditures, bona fide encumbrances and all other disbursements of the department or agency for the fiscal year. The Comptroller of Public Accounts is to approve all reports as to form and content.
2. A list of all bonded employees showing name, title, and amount of surety bond, together with the name of the surety company.
3. An analysis of space occupied by the department or agency showing the number of square feet rented and the number of square feet occupied in state-owned buildings; giving the location of such space by building name or address and the number of square feet devoted to office, warehouse or other designated uses, indicating the cost per square foot, cost per month, annual cost and lessor of all rented space, and such other information as may be of assistance in describing the space utilized by each state department or agency.
4. An itemized statement of all professional and/or consulting fees paid out of appropriations made by this Act. The statement shall include the name of each person, partnership, corporation or other business entity receiving such fees and for what purposes the fees were paid. Except as otherwise provided by this Act, the statement shall include the services of

REPORTING REQUIREMENTS

(Continued)

licensed professionals and the personal services of individuals or entities under an independent contract to study or advise the agency, as defined by Chapter 2254, Government Code.

5. A summary of the costs of operating and the use made of state-owned aircraft or aircraft operated under long-term lease or rental. The summary shall be in a format specified by the Legislative Budget Board and the State Aircraft Pooling Board and shall include aircraft description, date purchased or leased, cost, hours flown, operating costs, number of flights and destination, number, names and destination of passengers, date of each flight and a detailed and specific description of the official business purpose of each flight. Aircraft flight logs required by this section shall be provided on a monthly basis to the State Aircraft Pooling Board.
6. A list of purchases made in accordance with Article 601b, Section 3.09, V.T.C.S., to which the General Services Commission has taken exception. Each item in the list should contain the following information: product purchased, vendor and purchase amount.
7. A section, consisting of the Master File Report Verification Form certified by the Texas General Land Office, confirming that the inventory report is an accurate and complete record of the agency's real property as of the date specified, or if the report is not accurate and complete, that the appropriate update forms will be submitted within 15 days of the date of the annual report. Certification by the General Land Office will serve as acknowledgement that the agency is in compliance with the real property inventory reporting requirements as stated in Section 31.151, et seq, Natural Resources Code. A copy of this section should be directed to the General Land Office for inclusion in the State Real Property Inventory records.
8. A report indicating the transfer of funds appropriated by this Act between appropriation items. Only those appropriation items affected by transfers must be listed and the amounts indicated shall reflect the net of all transfers affecting the particular item.
9. A report documenting the agency's progress under its plan for increasing use of historically underutilized businesses prepared in compliance with V.T.C.S. Art. 601b, Section 1.03(m). The report shall be in a format specified by the General Services Commission pursuant to V.T.C.S. Art. 601(b), Section 1.03(n).
10. Indirect Costs: The annual report shall provide a supporting schedule detailing total expenditures made by the agency and on the agency's behalf by others. Expenditures made on the agency's behalf by others should include, but are not limited to: employee benefits such as social security matching costs, health insurance, and retirement contributions; workers' compensation payments; unemployment compensation payments; bond debt service; local funds; all payments made to other state agencies; and an allocation of indirect cost from such general government agencies as the Comptroller of Public Accounts, Treasury, General Services Commission, Attorney General, Department of Information Resources, State Auditor's Office, and any others as determined by the Comptroller of Public Accounts. The Comptroller shall develop the appropriate format and reporting requirements associated with this supporting schedule and provide the assistance necessary for each agency to properly submit the information.
11. It is further provided that the State Auditor is to certify to the Comptroller of Public Accounts any and all departments which have not filed the required annual report within the specified time, and the Comptroller of Public Accounts is to withhold any appropriations for expense reimbursements for the heads or any employees of such departments or agencies as are on this certified list until such time as the State Auditor shall notify the Comptroller that

REPORTING REQUIREMENTS (Continued)

such delinquent reports have been filed. The words "heads of departments or agencies" as used in this Section shall mean the elected and appointed officials, members of commissions, boards, etc., and the chief administrative officer of such department, board, commission, bureau, office, or agency of the state for which appropriations are made in this Act.

All departments, institutions of higher education, agencies, officers and employees or agents of the state shall enter in the Uniform Statewide Accounting System (USAS) all accrued payables and encumbrances by appropriation account relating to the current year's appropriations and prior years' appropriations within thirty days after the close of each quarter of the fiscal year. The same entities shall, in addition to those estimates and reports now provided by law relating to appropriations, submit a binding encumbrance report by appropriation account relating to accrued payables and binding encumbrances for the current year's appropriations and all prior years' appropriations within thirty days after the close of each quarter to the Comptroller of Public Accounts, State Auditor and the Legislative Budget Board. The Comptroller of Public Accounts, upon receiving the report, will promptly lapse any excess prior years' appropriation authority. If an agency submits a valid claim after thirty days against a prior year appropriation account, the Comptroller of Public Accounts may re-open the account sufficient to pay the claim. The Comptroller of Public Accounts is to approve all reports as to form and content.

All state agencies and institutions of higher education are to reconcile on a schedule to be determined by the Legislative Budget Board and the Comptroller of Public Accounts, their expenditures and binding encumbrances, payables and accrued expenditures, as reported in USAS, with their strategic planning and budget structure as reported in the Automated Budget and Evaluation System of Texas (ABEST). Agencies are to complete in ABEST, as part of their reconciliation by strategy, a method of financing in accordance with the General Appropriations Act.

Sec. 78. Certification Summary Required. As soon as practical following the Comptroller's certification of the appropriations made by the Seventy-fourth Legislature, the Comptroller shall transmit to the members of the Legislature a Summary Table which details the basis for certification of the major funds. The table shall be similar in format and detail to the "Major Estimates Summary Tables" published by the Comptroller in the Biennial Revenue Estimate and shall include the 1994-95 biennial appropriations from the major funds.

Sec. 79. Report of Expenditures by County. The Comptroller of Public Accounts shall prepare an annual report reflecting expenditures by state agencies for each county. The report shall include appropriate information to both summarize total expenditures by agency by county, and reflect the type of expenditures by object or other arrangement as determined by the Comptroller. To the extent possible, all expenditures from funds held in the Treasury shall be reported on an actual basis reflecting the county where the goods or services were delivered. However, in situations where it may not be possible or practical to accurately determine the correct county, such as debt service payments, employee fringe benefits, etc., the Comptroller shall estimate the expenditures by county. All state agencies shall cooperate as necessary with the Comptroller in providing necessary information to enable the timely completion of the report. A copy of each report shall be filed with the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Legislative Budget Board no later than December 1 of each year.

Sec. 80. Minutes of Board Meetings. The appropriations made by this Act are contingent upon adherence to the following procedure: in order that the Governor and the Legislature may be more adequately informed about the disposition and use of appropriations authorized from all funds, the governing bodies of the institutions, schools, and agencies of the executive branch of the government shall cause to be filed with the Legislative Reference Library, immediately upon

REPORTING REQUIREMENTS

(Continued)

transcription, certified copies of the minutes of board meetings. Any changes or subsequent corrections of minutes shall be similarly filed with the Legislative Reference Library.

Sec. 81. Acknowledgement of Exceptions to Section 3.09. The Legislature directs the General Services Commission to notify the board and commission members, agency heads and elected officials of all state agencies including institutions of higher education that the Commission has taken exception to the respective agency's decision to purchase any good, service, or item on a non-competitive basis.

Sec. 82. Acknowledgement of State Auditor Reports. The Legislature directs the State Auditor's Office to notify the board and commission members, agency heads and elected officials of all state agencies including institutions of higher education of any report published by the State Auditor concerning the respective agency, board or institution.

Sec. 83. Contract Notification. Not later than the 10th day after a state agency or institution of higher education enters into i) a contract for consulting services as defined by Section 2254.021(1), Government Code; ii) a contract for professional services as defined by Section 2254.002(2), Government Code; or iii) a construction contract, the agency or institution shall provide written notification, on a form prescribed by the Legislative Budget Board, to the Legislative Budget Board, the House Appropriations Committee, the Senate Finance Committee, and the appropriate House and Senate oversight committees. The notification requirement established by this section shall also apply to any amendment, modification, renewal or extension of a contract subject to this section.

The notification requirement established by this section shall not apply to a contract for which the total value does not exceed \$1,000, including amendments, modifications, renewals and extensions, or to a professional services contract for medical or optometric services.

Sec. 84. Reports on Nonresident Bidders.

1. During January and July of each year, a state agency or institution of higher education shall file with the Legislative Budget Board a report that identifies each nonresident bidder as defined by Section 2.081 of Article 601b, V.T.C.S., to whom the agency or institution awarded a contract with a value of \$25,000 or more for the purchase of supplies, materials, services or equipment during the six calendar months preceding the month in which the report is filed, if the agency or institution awarded such a contract during the reporting period.

For contracts with a value of \$250,000 or more, the contracting state agency or institution of higher education shall include, in the report to the Legislative Budget Board, an explanation for the need to use a nonresident bidder.

2. State agencies and institutions of higher education shall report to the Legislative Budget Board, in addition to the information required by Sec. 2.081 (b) of Article 601b, as noted above, the total dollar value of all purchases of supplies, materials, services and equipment for each six calendar month period. If the total amount reported under Sec. 2.081 (b) is greater than \$1,000,000 or greater than 25 percent of total purchases, the agency or institution shall provide an explanation of action taken by the agency or institution to ensure that resident bidders are given adequate consideration in the purchasing process.
3. The staff of the Legislative Budget Board shall prepare a report which summarizes the nonresident bidder information. This report shall be filed with the presiding officer of each house of the legislature and the presiding officers of the House Appropriations Committee and the Senate Finance Committee.

REPORTING REQUIREMENTS

(Continued)

Sec. 85. Internal Audit Findings. In addition to the reporting requirements established in Section 2102.009, Government Code, each agency appropriated funds by this Act and subject to the application of the Texas Internal Auditing Act shall file with the Governor's Office of Budget and Planning and the Legislative Budget Board a copy of each written report submitted by its Internal Auditor, or Internal Audit Section, to the agency's governing board or governing officer within 30 days of the date the report was so submitted. Each agency subject to this section shall, in addition, submit to the Governor's Office of Budget and Planning and the Legislative Budget Board a statement of any action plan or other response issued by the agency governing board to address the findings in such a report.

Sec. 86. Customer Satisfaction Assessment. On a pilot basis, the Governor's Office of Budget and Planning and the Legislative Budget Board shall select an agency or institution of higher education from each article of this Act and each selected entity shall develop and implement a plan designed to i) identify those groups of individuals who could be deemed as customers of the services provided by the agency and ii) assess the level of satisfaction with agency services experienced by those groups. A written copy of the plan required by this section shall be filed with the Governor's Office of Budget and Planning and the Legislative Budget Board by February 1, 1996.

Sec. 87. Notification to Members of the Legislature. It is the intent of the Legislature that agencies provide notification to affected members of the Legislature prior to the public announcement of the closing of any field offices.

Sec. 88. Investment Strategy and Investment Report.

1. A state agency or political subdivision investing local funds, the total of which exceed \$1,000,000, shall adopt an investment strategy governing the investment of those funds. In devising the investment strategy, special consideration should be given to the types of policies prescribed in the Government Financial Officers Association Preferred Investment Practices. An investment strategy must describe the investment objectives of the agency or political subdivision using the following priorities:
 - a. suitability of the investment to the financial requirements of the agency or political subdivision;
 - b. safety of principal;
 - c. liquidity;
 - d. marketability;
 - e. diversification;
 - f. yield.
2. The state agency or political subdivision shall submit a quarterly investment report to the governing body of the agency or political subdivision. The report must state:
 - a. the carrying value (total cost of an investment plus or minus amortization or accretion) of each individual investment as of the date of the report;
 - b. the market value (face or par value multiplied by the dollar price of the security) of each individual investment as of the date of the report;
 - c. the maturity date of each individual investment; and
 - d. the account or fund in the agency or subdivision budget that was the source of the money for each individual investment.

Sec. 89. Liaison to Legislative Committees. It is the intent of the Legislature that state employees working in Washington on behalf of various state agencies shall act in a liaison capacity

REPORTING REQUIREMENTS

(Continued)

and shall provide the most current information on federal funding and legislative issues to the appropriate substantive committees of both the House and the Senate.

Sec. 90. Reporting of Outstanding Judgments. It is specifically provided that all state agencies, boards, commissions, institutions, and other state governmental units shall report all uncollected and outstanding debts and judgments to the Office of the Attorney General, not later than sixty days after normal agency collection procedures have failed, for further collection efforts. The Office of the Attorney General may develop a uniform reporting procedure for state agencies and institutions to report uncollected debts and judgments to the Attorney General's Office for further collection efforts.

Sec. 91. Reporting of Lawsuits Against the State. It is specifically provided that all state agencies, boards, commissions, institutions, and other state governmental units shall notify the Legislative Budget Board and the Governor's office of each lawsuit filed against the State, or state employee or official for which the State may be liable for payment, not later than thirty days after the lawsuit was filed.

OTHER APPROPRIATION AUTHORITY

Sec. 92. Acceptance of Gifts of Money. All bequests and gifts of money to state agencies named in this Act, including the legislative branch, which have specific authority to accept gifts are hereby appropriated to the agency designated by the grantor and for such purposes as the grantor may specify, subject to the following:

1. Unless exempted by specific statutory authority, all such bequests and gifts of moneys shall be deposited into the State Treasury and shall be expended in accordance with the provisions of this Act.
2. No gifts or bequests to a state agency shall be transferred to a private or public development fund or foundation, unless written permission for the transfer is given by the donor of the gift or representative of the estate. An account of all such letters of written permission and transfers of gifts and bequests shall be kept by the agency and shall be reported to the State Auditor.

Sec. 93. Federal Funds/Block Grants.

1. All funds received from the United States government by state agencies and institutions named in this Act are hereby appropriated to such agencies for the purposes for which the federal grant, allocation, aid, payment or reimbursement was made subject to the following:
 - a. Except for institutions and agencies of higher education, federal funds, including unexpended balances, shall be deposited to and expended from the specific appropriation item or items identified in this Act.

Except for institutions and agencies of higher education, no federal funds may be expended for strategies or functions other than those which have been reviewed by the Seventy-fourth Legislature and authorized by specific language in this Act or encompassed by an agency's budget structure as established by this Act.
 - b. As applicable, federal reimbursements received for expenditures previously made or services performed on behalf of federal programs from state funds shall be credited by the Comptroller to the fund from which the expenditure was originally made. The credit

OTHER APPROPRIATION AUTHORITY

(Continued)

shall be to the agency's current appropriation item or accounts from which the expenditures of like character were originally made and are hereby reappropriated. Reimbursements received from employee benefits paid from General Revenue Fund appropriations of other administering agencies shall be deposited to the unappropriated General Revenue Fund.

- c. All agencies receiving federal funds shall utilize those funds to the maximum extent possible to reduce expenditures of appropriated state funds. It is the intent of the Legislature that reductions in state funds be returned to the State Treasury.
 - d. It is the intent of the Legislature that any position created for administration of federal grant programs shall be phased out upon discontinuance of the particular federal grant for which it was authorized.
 - e. Annual reports showing federal funds received and their intended usage shall be filed by the Governor's Budget and Planning Office with the presiding officers of both houses of the Legislature for referral to appropriate standing committees for review.
- 2. Agencies subject to the Position Classification Act will make federal grant employment in accordance with the provisions of that Act in positions listed in, or otherwise authorized by, this article.
 - 3. In order to maximize the amount of federal alcohol and drug abuse funds which might become available to the Texas Commission on Alcohol and Drug Abuse, it is the intent of the Legislature that state funds used by any state agency to provide alcohol and drug abuse services may be counted towards any required state matching contribution for such federal funds.
 - 4. All state agencies are required to report potential losses of any federal funds to the Governor, Legislative Budget Board, and the Comptroller of Public Accounts so that the Comptroller can include these potential federal fund losses in a report to the Legislature prior to each session.
 - 5. Each agency and each institution of higher education shall report i) each application or request made to the United States government for the grant of funds and ii) the award or designation, by the United States government, of any funds for expenditure by a Texas state agency to the Governor's Office of Budget and Planning, the Legislative Budget Board, and the Office of State-Federal Relations. The Legislative Budget Board may develop reporting procedures necessary to implement this provision.
 - 6. In the event that federal programs which authorize federal funds included in this Act are eliminated, consolidated or replaced with new federal programs and funding authorization or block grants, and/or the federal funds appropriated to agencies are reduced, any reduction or reallocation of federal funds will be distributed across affected agencies and programs to pattern the strategies and programs included in this Act to the extent possible without restricting the state's ability to receive federal funds, in accordance with a plan approved by the Legislative Budget Board and the Governor. Any such plan must be distributed in writing to all members of the Legislature at least ten days before Legislative Budget Board action.

Sec. 94. Reimbursements and Payments.

- 1. Any reimbursements received by an agency of the state for authorized services, including contractual agreements with a non-governmental source or any unit of government, including

OTHER APPROPRIATION AUTHORITY (Continued)

state, federal or local government, and any payments to an agency of the state government made in settlement of a claim for damages, are hereby appropriated to the agency of the state receiving such reimbursements and payments for use during the fiscal year in which they are received. Revenues specifically established by statute on a fee or service provided basis are not appropriated by this section and are available for expenditure by the collecting agency only if appropriated elsewhere in this Act.

2. Forfeited money, proceeds from the sale of forfeited property or similar monetary awards related to the agency's participation in the seizure of controlled substances or other contraband are hereby appropriated to the receiving state agency, unless distribution is otherwise provided by statute or specific provision of this Act.
3. Except as provided elsewhere in this Act, net amounts of money received by an agency as a result of tax seizures or other similar recoveries authorized by statute shall be deposited in the state treasury as unappropriated revenues to the funds and/or accounts authorized by statute. The portion of proceeds representing recoveries of costs incurred in such forfeitures, seizures or similar functions are appropriated to the receiving agency. Such cost recoveries include court costs, attorney fees, rentals or storage fees, auction and sale costs, preparation costs to condition property for sale, and salaries, travel, and other overhead costs of the agency.
4. The reimbursements and payments received under Subsection 1 shall be credited by the Comptroller to the agency's current appropriation items or accounts from which the expenditures of like character were originally made, or in the case of damage settlements to the appropriation items or accounts from which repairs or replacements are made; provided, however, that any refund of less than fifty dollars (\$50) to an institution of higher education for postage, telephone service, returned books and materials, cylinder and container deposits, insurance premiums and like items, shall be deposited to the current fund account of the institution in the State Treasury and such funds are hereby reappropriated.

Sec. 95. Surplus Property. Receipts to any agency of the state government specified in this Act which are received from the sale of surplus property, equipment, livestock, commodities, or salvage pursuant to the provisions of V.T.C.S. Article 601B are hereby appropriated to such State agency for expenditure during the fiscal year in which such receipts are received. Receipts from such surplus and salvage sales are to be credited to the appropriation item from which like property, equipment, livestock, or commodities would be purchased.

Sec. 96. Refunds of Deposits.

1. Any money deposited into the State Treasury which is subject to refund as provided by law shall be refunded from the fund into which such money was deposited, transferred, or otherwise credited, and so much as is necessary for said refunds is hereby appropriated.
2. Unless another law, or Section of this Act, provides a period within which a particular refund claim must be made, funds appropriated by this Act may not be used to pay a refund claim made under this Section after four years from the latest date on which the amount collected or received by the state was due, if the amount was required to be paid on or before a particular date. If the amount was not required to be paid on or before a particular date, a refund claim may not be made after four years from the date the amount was collected or received. A person who fails to make a refund claim within the period provided by law, or this provision, shall not be eligible to receive payment of a refund under this section.
3. As a specific limitation to the amount of refunds paid from funds appropriated by this Act during the 1996-97 biennium, the Comptroller shall not approve claims or issue warrants for refunds in excess of the amount of revenue estimated to be available from the tax, fee, or

OTHER APPROPRIATION AUTHORITY

(Continued)

other revenue source during the biennium according to the Biennial Revenue Estimate of the Comptroller of Public Accounts used for certification of this Act. Any claim or portion of a claim which is in excess of this limitation shall be presented to the next legislature for a specific appropriation in order for payment to be made. This limitation shall not apply to any taxes or fees paid under protest.

4. The State Comptroller of Public Accounts shall establish accounting procedures for suspense fund refund transactions in which all agencies will eliminate the delayed clearance of moneys from the suspense fund, reduce accounting paperwork, and maximize revenues to the General Revenue Fund and other state funds.

Sec. 97. Vending Machines Authorized. Except in those areas which are now served by vendors operating under supervision of the Commission for the Blind, vending machines may be placed on state-owned or leased property or in state-owned or leased buildings only with the approval of the governing boards or commissions and such approval shall be recorded in the minutes of the body. A copy of the contract shall be filed with the General Services Commission showing the location within the agency and the terms of the contract. Proceeds, net revenues, rentals or commissions received shall be accounted for as state revenue and the amount so collected is hereby appropriated to the institution, board, commission or agency for use as directed by the board or commission authorizing the installation. The amount of such proceeds, net revenues, rentals or commissions and disposal of such funds shall be included in the annual report of the state agency as required elsewhere in this Act. Vending machines located in areas or buildings now being serviced by vendors under the supervision of the Commission for the Blind must be operated under a joint contract with the machine owners and the vendors operating under the supervision of the Commission for the Blind.

Sec. 98. Pay Station Telephones Authorized. Pay station telephones may be located in the capitol area only with the approval of the General Services Commission and the net proceeds of such installations shall be collected and deposited to the General Revenue Fund by the General Services Commission. In other areas pay telephones may be located in state-owned or leased buildings or on state-owned land only with the approval of the governing board or commission and the net proceeds shall be collected and accounted for as state revenue and the amount so collected is hereby appropriated for use by the agency as determined by the governing board or commission. The amount of net proceeds and disposal of such funds shall be included in the annual report of the state agency as required elsewhere in this Act.

Sec. 99. Appropriation of Collections for Seminars and Conferences. All funds collected for the reimbursement of costs directly associated with the conducting of seminars, conferences or clinics which directly relate to the legal responsibilities and duties of the agency and which are for the purposes of education, training, or informing employees or the general public are hereby appropriated for the necessary expenses incurred in conducting the seminar; provided, however, all applicable laws, and rules and regulations for the acquisition of goods and services for the state shall apply to such expenditures.

Sec. 100. Collections for Peer Assistance Programs for Professionals Appropriated. All funds collected by state agencies during the 1996-97 biennium in accordance with Chapter 467, Health and Safety Code, in order to establish, administer, or finance peer assistance programs for professionals impaired by chemical dependency or mental illness are hereby appropriated for the purposes authorized by Chapter 467.

Agencies may contract with, provide grants to, or make other arrangements with an agency, professional association, institutions, or individual to implement the provisions of Chapter 467, Health and Safety Code. In addition, state agencies may accept, transfer, and expend funds made

OTHER APPROPRIATION AUTHORITY (Continued)

available by the federal or state government or by another public or private source to fund approved peer assistance programs.

Sec. 101. Appropriation of Bond Proceeds. The proceeds from the issuance and sale of bonds or other obligations pursuant to the provisions of Articles 601d and 601d-1, V.T.C.S., are appropriated to the state agency to whose account the proceeds are deposited or credited. Proceeds include interest and investment income.

Sec. 102. CMIA Interest Payments. There is hereby appropriated to the State Comptroller for the biennium ending August 31, 1997 sufficient general revenue monies for the payment of interest due the federal government under the Cash Management Improvement Act of 1990 (CMIA).

An amount equal to the amount of interest payments made from general revenue on behalf of special funds or accounts as a result of the federal Cash Management Improvement Act of 1990 is hereby appropriated from special funds. The state treasurer shall notify the comptroller of the amount of such interest payments made from general revenue on behalf of special funds or accounts. The comptroller shall transfer from each special fund or account to general revenue, an amount equal to the amount of interest paid on behalf of each special funds or account.

Sec. 103. Appropriation of Disproportionate Share Hospital Payments to State Owned Hospitals. Disproportionate Share Hospital Program payments from the Department of Health to state owned hospitals are appropriated to the receiving state agency/hospital as replacement funding for funds transferred to the Department of Health and shall be subject to such accounting provisions as required by the Comptroller of Public Accounts including, but not limited to, deposits to the fund or account from which the original source of transfers to the Department of Health was made.

Sec. 104. Agricultural Soil and Water Conservation. Pursuant to Chapter 15.434, Texas Water Code, there is hereby appropriated from the Agricultural Soil and Water Conservation Account deposits from that account to each of the following agencies in equal amounts, not to exceed \$200,000 each, for purposes specified by statute: Texas Water Development Board; Texas State Soil and Water Conservation Board; Texas Agricultural Experiment Station; and Texas Agricultural Extension Service. Any balances remaining as of August 31, 1996, are hereby appropriated for fiscal year 1997.

EQUAL OPPORTUNITY PROVISIONS

Sec. 105. Discriminatory Practices. None of the funds appropriated by this Act shall be expended by agencies which practice discrimination based on race, creed, sex or national origin. The State Attorney General shall be specifically responsible for the enforcement thereof upon the request of the Governor.

Sec. 106. Goods or Services Provided by Texans with Disabilities. State agencies and institutions covered by this Act are encouraged to fully utilize appropriated funds to purchase products and services provided by Texans with disabilities under the provisions of Chapter 122, Human Resources Code.

Sec. 107. Standardized EEO Reporting and Required Compliance Training for State Agencies.

1. Not later than the seventh workday of each calendar year, each state agency, including public institutions of higher education, shall report equal employment opportunity information for the preceding calendar year to the Texas Commission on Human Rights as required by this

EQUAL OPPORTUNITY PROVISIONS

(Continued)

section. The report must be made on a form provided by the Commission. The Commission shall collect equal employment opportunity information reported to the Commission by a state agency. The information must include data compiled on a monthly basis showing:

- a. the total number of employees of the agency and the total number of new employees hired each month since the date of the last report made by the agency;
- b. the total number of employees of the agency listed by racial and ethnic group and the percentage of the total number of agency employees for each racial and ethnic group, including a distinction for those categories between the total number of employees and the total number of employees hired each month since the date of the last report made by the agency;
- c. the total number of male employees and the total number of female employees of the agency, including a distinction for those categories between the total number of employees and the total number of employees hired each month since the date of the last report made by the agency;
- d. the total number of male and total number of female employees of the agency for each racial and ethnic group, including a distinction for those categories between the total number of employees and the total number of employees hired each month since the date of the last report made by the agency; and
- e. the total number of employees of the agency listed by job classification and the total number of employees for each sex, race and ethnic group listed by job classification, including a distinction for those categories between the total number of employees and the total number of employees hired each month since the date of the last report made by the agency.

The Commission shall compile the information reported to the Commission under this section with the assistance of the Comptroller of Public Accounts and the uniform statewide accounting system. No later than December 15 of each year, the commission shall provide each state agency with a copy of the form to be used to make a report under this section for the following year.

2. For the purposes of this section, racial and ethnic groups shall consist of Black, Hispanic, and White.
3. Any state agency, including public institutions of higher education, that fails to comply with reporting requirements established by this section shall pay the Commission an amount not to exceed \$2,000, from funds appropriated by this Act, for each reporting period that the state agency fails to report equal employment opportunity information.
4. All state agencies, including public institutions of higher education, that have three or more complaints of employment discrimination during each year of the biennium shall expend funds appropriated by this Act to receive Comprehensive Equal Employment Opportunity training to be provided by the Texas Commission on Human Rights or other entities or persons approved by the Commission for supervisory and managerial personnel. Supervisory and managerial personnel trained by the Commission shall include, but are not limited to, respondents named in the complaints against such agencies. Each agency shall pay for all training costs or reimburse the Commission for its costs associated with this training through interagency contracts. The cost of training provided by the Commission shall be determined and approved by the Commission and the General Services Commission. Any state agency that fails to comply with the provisions set out herein shall pay the Commission an amount

EQUAL OPPORTUNITY PROVISIONS
(Continued)

not to exceed \$2,000 from funds appropriated by this Act for each complaint filed during the biennium. The Commission shall certify to the Comptroller, the Governor, and the Legislative Budget Board that an agency is not in compliance with the provisions set forth herein and such certification shall be the basis for the Comptroller to transfer the appropriate amount of appropriated funds from the agency to the Commission.

Sec. 108. Minority Hiring Practices.

1. The Texas Commission on Human Rights reports that, state agencies and institutions of higher education contained in Sec. ____, Art. ____, SB ____, Acts of the Seventy-fourth Legislature, Regular Session, 1995, are below the available Blacks, Hispanics and females for one or more categories in the total civilian labor force.
2. The Texas Commission on Human Rights reports that, historically, state agencies and institutions of higher education have underutilized or excluded Blacks, Hispanics and females in proportion to their available numbers in the civilian labor force.
3. The Texas Commission on Human Rights reports that state agencies and institutions of higher education are not employing Blacks, Hispanics and females in proportion to their available numbers in the civilian labor force.
4. The Texas Commission on Human Rights reports that the number of complaints filed with the Texas Commission on Human Rights against state agencies and institutions of higher education during the fiscal year 1992 was 315 at a cost of \$787,500 plus \$1,890,155 for litigation costs.
5. The Texas Commission on Human Rights reports that Whites comprise 64 percent of the total civilian labor force in the state and that minorities comprise 36 percent of the total civilian labor force in the state and of that percentage of minorities, 38 percent are Black and 54 percent are Hispanic.
6. The Texas Commission on Human Rights reports that women comprise 43 percent of the total civilian labor force in the state and that men comprise 57 percent.
7. The Texas Commission on Human Rights reports that for all state agencies and institutions of higher education funded by this Act it shall be a reasonable statewide goal that in the hiring practices for new employees, each state agency and institution of higher education should employ Blacks, Hispanics and females in each job category in relation to their availability in the statewide civilian labor force. For each job category, these percentage goals on a statewide basis are based on the disparity between available Blacks, Hispanics and females within the civilian labor force and their representation in the work force of individual agencies and institutions of higher education. The following percentages represent Blacks, Hispanics and females within the civilian labor force by job category.

<u>Job Category</u>	<u>Black</u>	<u>Hispanic</u>	<u>Female</u>
Officials/Administration	5%	8%	26%
Professional	7%	7%	44%
Technical	13%	14%	41%
Protective Services	13%	18%	15%
Para-Professionals	25%	30%	55%
Administrative Support	16%	17%	84%
Skilled Craft	11%	20%	8%
Service/Maintenance	19%	32%	27%

EQUAL OPPORTUNITY PROVISIONS

(Continued)

Each agency shall consider the availability in each local area of minorities in each job category to determine the goal in each local area where the agency hires employees.

8. Each agency and institution of higher education may spend appropriated funds to perform an analysis of their current work force compared to available Black, Hispanics and females in the statewide civilian labor force to determine percentage of exclusion or underutilization by each job category.
9. This rider shall not affect any person employed on the effective date of this Act.
10. Based upon a work force availability analysis that demonstrates the exclusion or underutilization of Blacks, Hispanics and females, or court-ordered remedies, or supervised conciliations or settlement agreements to remedy past or current discrimination, each state agency and institution of higher education shall develop and implement a plan to recruit and select Blacks, Hispanics, and disabled persons. Each state agency and institution shall use selection procedures that are in compliance with the Texas Commission on Human Rights Act. The Commission shall monitor state agencies and institutions to determine compliance with this provision.
11. Nothing in this Act shall be construed to affect court-ordered remedies, affirmative action, conciliation agreements, or settlements that are in accordance with the law.
12. All state agencies and institutions of higher education funded by this Act shall report to the Texas Commission on Human Rights, within 60 days after the close of each fiscal year, the number of Blacks, Hispanic and female hirings and total hirings made during that year. The Texas Commission on Human Rights shall, no later than January 1, 1997, submit to the Legislative Budget Board and the Governor's Office of Budget and Planning a state minority and women hiring practice report detailing this information.

Sec. 109. Affirmative Action Plans.

1. In accordance with the schedule established by subsection 2 of this provision, state agencies and institutions shall enlist the assistance of the Texas Human Rights Commission in the review and revision of the affirmative action plan of each agency and institution. The review shall be completed, and necessary revisions implemented, within the first 12 months of the biennium prescribed by the schedule in subsection 2. Thereafter, an annual report detailing compliance with the affirmative action plan shall be submitted by October 1 to the Governor, the Legislature, and the Legislative Budget Board.
2. Review and revision of affirmative action plans shall be performed by state agencies and institutions within each functional category of state government on a six-year cycle according to the following schedule. Agencies and institutions within each functional category shall be defined by the Legislative Budget Board.
 - a) For the 1996-1997 biennium: Health and Human Services; Regulatory; and the Department of Transportation.
 - b) For the 1998-1999 biennium: General Government; Natural Resources; Business and Economic Development (excluding the Department of Transportation).
 - c) For the 2000-2001 biennium: Education (excluding public community/junior colleges); Public Safety and Criminal Justice; Judiciary.

EQUAL OPPORTUNITY PROVISIONS

(Continued)

Sec. 110. Standardized Personnel Policies, Procedures, and Training Required for State Agencies and Public Institutions and Systems of Higher Education.

1. In accordance with V.T.C.S. Art. 5221k, Section 3.02(a)(12), state agencies and public institutions and systems of higher education are required to develop and implement personnel policies that comply with Chapter 21, Labor Code, including personnel selection procedures that incorporate a work force diversity program. In accordance with the schedule in Subsection 4 of this section, each state agency and public institution and system of higher education subject to Article 5221k, Section 3.02(a)(12), shall expend funds appropriated by this Act to reimburse the Texas Commission on Human Rights (the Commission) through an interagency contract for reasonable and necessary costs and travel expenses to provide technical assistance and review all personnel policies and procedures of each state agency and public institution and system of higher education to ensure compliance with Chapter 21, Labor Code.
2. Actual cost and travel reimbursements to the Texas Commission on Human Rights shall be determined by the General Services Commission in an amount not to exceed \$5,000 per each state agency or public institution or system of higher education.
3. Any state agency or public institution or system of higher education that fails to comply with this Section is subject to a penalty not to exceed \$5,000 from funds appropriated by this Act. The Commission upon hearing and finding of fact that any state agency or public institution or system of higher education is not in compliance with this section, shall so certify to the Comptroller, the Governor, and the Legislative Budget Board. Upon confirmation by the Legislative Budget Board that the penalty imposed by this subsection should be assessed, the Comptroller shall transfer to the Commission, from funds appropriated to the agency, institution, or system, an amount equal to the actual costs incurred by the Commission in reviewing agency personnel policies and procedures and shall transfer to the General Revenue Fund an amount equal to the difference between \$5,000 and the amount transferred to the Commission pursuant to this subsection.
4. Review of all personnel policies and procedures shall be performed at state agencies and institutions within each functional category of state government on a six-year cycle according to the following schedule. Agencies and institutions within each functional category shall be defined by the Legislative Budget Board.
 - a. For the 1996-1997 biennium: Health and Human Services; Regulatory; and the Department of Transportation and the Parks and Wildlife Department.
 - b. For the 1998-1999 biennium: General Government; Natural Resources (excluding the Parks and Wildlife Department); Business and Economic Development (excluding the Department of Transportation).
 - c. For the 2000-2001 biennium: Education (excluding public community/junior colleges); Public Safety and Criminal Justice; Judiciary.

Sec. 111. Contracting with Historically Underutilized Businesses.

1. It is the intent of the Legislature that this section apply to any appropriation made by this Act to state agencies and institutions of government.
2. In this section "historically underutilized business" means:

EQUAL OPPORTUNITY PROVISIONS

(Continued)

- a. a corporation formed for the purpose of making a profit in which at least 51 percent of all classes of the shares of stock or other equitable securities are owned by one or more persons who are socially disadvantaged because of their identification as members of certain groups, including Black Americans, Hispanic Americans, women, Asian Americans, and Native Americans, and have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control; and have a proportionate interest and demonstrate active participation in the control, operation, and management of the corporation's affairs;
 - b. a sole proprietorship created for the purpose of making a profit that is 100 percent owned, operated, and controlled by a person described by subdivision a. of this subsection;
 - c. a partnership formed for the purpose of making a profit in which 51 percent of the assets and interest in the partnership is owned by one or more persons who are described by subdivision a. of this subsection and have a proportionate interest and demonstrate active participation in the control, operation, and management of the partnership's affairs;
 - d. a joint venture in which each entity in the joint venture is a historically underutilized business under this subsection; or
 - e. a supplier contract between a historically underutilized business under this subsection and a prime contractor under which the historically underutilized business is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies.
3. In this section "commission" means the General Services Commission.
 4. It is the intent of the Legislature that each state agency and institution of higher education shall make a good faith effort to increase purchases and contract awards to historically underutilized businesses based on the results of the disparity study prepared pursuant to Article V, subsection 101(6) of Senate Bill 5, Seventy-third Legislature, Regular Session, and based on the rules adopted by the commission to implement the disparity study.
 5. It is the intent of the Legislature that the commission adopt rules based on the results of the State of Texas Disparity Study. All state agencies and institutions of higher education shall adopt the commission rules, and may adopt supplemental rules that are consistent with the commission rules and that are based on the disparity study.
 6. It is the intent of the Legislature that state agencies and institutions of higher education shall report to the commission the following information, classified by group status as defined in subsection 2.a. above and by gender: (i) the total dollar amount of purchases and payments made under contracts awarded to historically underutilized businesses; (ii) the number of businesses participating in state bond issuances, if applicable; (iii) the number of businesses used in acquiring, constructing, or equipping state facilities or operating state programs with funds appropriated by this Act; and (iv) the number of historically underutilized businesses submitting bids and/or proposals for the acquisition, construction, equipping, or operational implementation of state facilities or programs.
 7. It is the intent of the Legislature that all state agencies and institutions of higher education appropriated funds by this Act shall report to the commission and Comptroller of Public Accounts all non-treasury funds spent with historically underutilized businesses in accordance with the reporting required in Section 1.03, Article 601(b), V.T.C.S.

EQUAL OPPORTUNITY PROVISIONS (Continued)

8. It is the intent of the Legislature that all state agencies and institutions of higher education include in their agency strategic plan, a plan for increasing the use of historically underutilized businesses in purchasing and construction contracting. The State Auditor shall report to the commission a state agency that is not complying with Section 1.03(I) of Article 601(b), V.T.C.S. In determining whether an agency is making a good faith effort to comply, the state auditor shall consider whether the agency has adopted rules and procedures governing the agency's historically underutilized business contract awards in accordance with the commission goals, used the commission's list and other sources to identify historically underutilized businesses that can and are available to meet agency needs, made marketing and outreach efforts to historically underutilized businesses, and designated an employee with appropriate experience and authority to serve as the agency's historically underutilized business coordinator.
9. It is the intent of the Legislature that the state auditor shall, in cooperation with the commission, develop procedures to periodically monitor compliance by state agencies with Section 1.03(I) of Article 601(b), V.T.C.S. If an agency is found by the state auditor not to be in compliance, the Legislative Budget Board may revoke purchasing authority that the commission delegated to the agency under Section 3.06 of 601(b) V.T.C.S. If the Legislative Budget Board revokes an agency's delegated purchasing authority under this subsection, the comptroller may consider that fact in emergency requiring a transfer from the agency's appropriated funds to the commission appropriated funds of an amount equal to the cost the commission will incur in performing the functions formerly delegated to the agency as determined by the Legislative Budget Board.
10. It is the intent of the Legislature that when determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committees, the Sunset Advisory Commission shall consider the extent to which the agency has complied with requirements of state law or state agency rules regarding purchasing goals and programs for historically underutilized businesses.
11. It is the intent of the Legislature that a political subdivision of the state that receives state funds may establish a program to increase the participation of historically underutilized, disadvantaged, minority-owned and/or women-owned businesses as contractors and/or subcontractors on contracts with the political subdivision. To the extent permissible under the U.S. Constitution, such governing body may develop and implement goals based on any evidence, including an independent study, for the participation of such businesses as contractors and/or subcontractors.
12. This section is an expression of the intent of the Legislature and does not negate a power granted by general law.

Sec. 112. **Board Member Diversity.** Executive and judicial branch agencies and institutions which are statutorily or constitutionally authorized to appoint members of boards, commissions or advisory bodies, shall attempt to make these appointments so as to represent the gender composition, minority populations, and geographic regions of the state. In this section, "minority populations" include African Americans, Native Americans, Asian Americans, and Hispanic Americans.

EXPENDITURES SPECIFICALLY AUTHORIZED

Sec. 113. **Petty Cash Accounts.** A state agency may expend petty cash funds in a manner consistent with the provisions of §403.241 et seq., Government Code. Such amounts as are necessary for the efficient operation of state agencies are appropriated. All amounts should be drawn from appropriations where similar expenditures would be made.

Sec. 114. **Expenditures for Talking Book Machines.** Each state agency for which funds are appropriated by this Act is hereby authorized to expend not more than \$100,000 per year from available appropriations for the purchase of talking book machines.

Sec. 115. **Employee Meal Authorization.** State agencies providing institution-based services, including the Department of Criminal Justice, the Department of Mental Health and Mental Retardation, the Texas Youth Commission, the School for the Blind and Visually Impaired, and the School for the Deaf, are hereby authorized to provide meals to employees working in institutional settings and may charge a fee at costs established by the agencies which do not exceed the direct and indirect costs of preparation.

Sec. 116. **Nursing Uniform Allowances.** All nurses required to wear uniforms provided by their agency or institution while conducting their official duties are to receive a cleaning allowance of \$200 per year unless the employing agency provides a cleaning service for the uniforms at no cost to the employees. Those nurses who must provide their own required uniform shall receive a clothing and cleaning allowance of \$700 per year, unless the employing agency provides a cleaning service for the uniforms at no cost to the employees in which case they shall receive a clothing allowance of \$500 per year. As an exception to this provision, any agency or institution whose employees democratically elect to do so, shall have the option of utilizing funds set aside for nursing uniform allowances as prescribed by this section to enhance nursing at the institution through the provision of institutionally provided child care, nursing career ladder improvement, nurse recruitment, and other purposes consistent with the enhancement of nursing activities.

Implementation of this section shall not result in a reduction of indigent care delivered by the employing agency or institution nor in the salaries of nurses employed by the employing agency or institution.

Sec. 117. **Registered Nurses and Licensed Vocational Nurses.** Any state agency may pay an additional evening shift differential not to exceed 15 percent of the monthly pay rate to registered nurses who work the 3:00 p.m. to 11:00 p.m. shift, or its equivalent, and an additional night shift differential not to exceed 10 percent of the monthly pay rate to registered nurses and licensed vocational nurses who work the 11:00 p.m. to 7:00 a.m. shift, or its equivalent. An additional weekend shift salary differential not to exceed five percent of the monthly pay rate may be paid to registered nurses and licensed vocational nurses. The weekend shift salary differential may be paid to an eligible individual in addition to the evening shift or night shift salary differential.

Sec. 118. **Bank Fees and Charges.** From interest income appropriated by this Act, amounts may be used for the purpose of paying bank fees and charges as necessary.

Sec. 119. **Parking Facilities for Bicycles.** Each state agency that has charge and control of a state facility may use gifts and donations to provide ample, secure, and convenient bicycle parking for employees in and visitors to the facility.

OTHER PROVISIONS

Sec. 120. **Prison-produced Goods.** In order that all state agencies and institutions covered by this Act fully utilize funds herein appropriated, it is the intent of the Legislature that such agencies and institutions shall purchase goods produced by the Texas prison system when such goods are equal to or lower in price than goods of a comparable quality when purchased on the open market.

Sec. 121. **Acquisition of Property.** In order to conserve the moneys appropriated by this Act, the General Services Commission and the governing boards of the state institutions of higher learning either acting directly or through the General Services Commission or through any other state agency in behalf of their respective institutions, are hereby authorized to negotiate purchases of commodities and supplies of any kind or character whatsoever needed by any state agency with the duly authorized agencies of the federal government. However, any such commodities or supplies so purchased shall be obtained at a price not to exceed the prevailing market value thereof, and if there be no market value then at the real or intrinsic value.

It is further provided that only for the purposes of the expenditures authorized in the preceding paragraph, the General Services Commission and the governing boards of the state institutions of higher learning may waive the requirement of bidder's bond and performance bonds, otherwise required, in negotiating such purchases with the duly authorized representatives of the federal government.

Except as specifically authorized to do so by statute, none of the agencies for which appropriations are made in this Act shall accept the donation of real property or expend any of the moneys appropriated herein for the purchase of real property without the expressed permission and authorization of the Legislature. It is further provided that the institutions of higher education are specifically authorized to accept gifts or devises of real property from private sources for the establishment of scholarships, professorships, or other trusts for educational purposes, provided such property will not hereafter require educational and general funds appropriations by the Legislature for operation, maintenance, repair, or the construction of buildings.

Sec. 122. **Sale of Hearings Transcripts.** Proceeds from the sale of transcripts made by hearings reporters who are state employees shall be deposited in the State Treasury in all cases where the copies of the transcript are made on state time or using state supplies or equipment. State agencies allowing employees to retain proceeds from the sale of transcripts shall develop procedures for assuring that neither state equipment nor supplies are used in preparing copies of transcripts.

Sec. 123. **State Telephone System Use.** It is the intent of the Legislature that policy manuals of state agencies and institutions of higher education contain the directive that state employees be advised that an employee may be held liable for the cost difference between a non-state telecommunications system call and an system call, unless the non-system call meets the following standards: (1) the executive head certifies to the Comptroller that an emergency exists; (2) the General Services Commission determines the non-system call is most cost effective; or (3) the system network is not available at the location.

Sec. 124. **Telecommunication Revolving Account.** All moneys paid into this account in accordance with the provisions of Article 10 of Article 601b, V.T.C.S., are hereby appropriated and may be expended for the purposes set out in Article 10. This includes services such as planning, development of requests for information and proposals and contract negotiations. The balance in this account as of August 31, 1995, is hereby reappropriated and may be expended for those same purposes.

Sec. 125. **Centralized Capitol Complex Telephone System.** This section shall apply to state departments and agencies in the Capitol Complex area utilizing the state-owned Centralized Telephone Service of the General Services Commission.

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Upon certification by the General Services Commission as to the pro rata share of the system for each using agency, a reimbursement to the General Services Commission shall be accomplished by the most efficient and expeditious procedure possible including the elimination of warrant issuance when feasible. Funds applicable to the state-owned Centralized Telephone Service shall be maintained in the Telecommunication Revolving Account but specifically identified. The Telecommunication Revolving Account shall be utilized as the depository for specific appropriations, reimbursements from using agencies, and shall be a source of funds to purchase, installment purchase, lease or otherwise acquire services, supplies, and equipment and to pay salaries, wages, and other costs directly attributable to the provisions and operations of the system.

All moneys paid into this account are appropriated for stated purposes and the balance at August 31, 1995, is reappropriated for the 1996 fiscal year and the balance at August 31, 1996, is reappropriated for fiscal year 1997. Notwithstanding other provisions in this Act, the General Services Commission is authorized to enter into a lease-purchase or installment purchase agreement for equipment and related telephone lines, etc., for a state-owned Centralized Telephone System.

Sec. 126. Use of TEX-AN Network. The Legislature instructs state agencies to use the Texas Agency Network (TEX-AN) to the fullest extent possible. Funds appropriated by this Act to state agencies as defined in Section 1.02(2), Article 601b, V.T.C.S., shall not be expended for the acquisition of intercity telecommunications facilities or services until a determination has been made by the Telecommunications Services Division of the General Services Commission and the Department of Information Services (DIR) that the agency requirement for intercity telecommunications cannot be met by the TEX-AN network. State agencies shall not enter into or renew contracts with carriers or other providers of intercity telecommunications facilities or services without obtaining waivers from the Telecommunications Services Division and DIR certifying that the requested intercity telecommunications requirements cannot be provided at reasonable costs on the TEX-AN network. Waiver requests will be evaluated by the Telecommunications Services Division and DIR based on cost-effectiveness to the entire State of Texas. Waivers may be granted for specific periods of time and automatically expire upon the expiration date unless an extension is approved by the Telecommunications Services Division and DIR. Contracts for services obtained under waiver shall not extend beyond the expiration date of the waiver.

Sec. 127. Unlisted Telephone Numbers Prohibited. None of the funds appropriated by this Act shall be expended by any state agency, official or employee thereof, for the payment or rental or toll charges on telephones which are not listed or available from "Information Operators" at telephone exchanges. This section shall not prohibit unlisted telephone numbers used in providing access to computers, telephone system control centers, long distance networks, elevator control systems, and other tone controlled devices where restricted access to the telephone number is justified for security or other purposes, or in narcotic undercover operations or in detection of illegal sales of securities under the Securities Act.

Sec. 128. Examination Fees. All examination fees, including the cost of the examination, shall be collected by state agencies and the payment for the examination cost shall be paid from funds appropriated to the agency.

Sec. 129. Use of State Energy Resources. Before expending any funds appropriated by this Act for the acquisition of oil, gas, coal, lignite or other natural resource used in the production of energy, any agency or institution which leases land for mineral development through a board for lease as authorized by Natural Resources Code, Chapters 34, 35 or 36, shall use, to the greatest extent practical, resources produced from land owned by the institution or agency to meet the energy requirements of the particular institution or agency. In order to implement this provision, the various boards for lease shall include a provision in all mineral leases to allow the taking in kind of any royalties due to the state. Further, the leases may include a provision for placing state meters on all gas wells at the wellhead for monitoring the amount of gas taken.

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Sec. 130. **In-kind Gas Program.** Under the authority of Subchapter H, Chapter 31 of the Natural Resources Code, the General Land Office shall review and approve any contract entered into by a state agency for the acquisition of an annual average of 100 MCF per day or more of natural gas used to meet its energy requirements. If the General Land Office is able to substitute a contract using in-kind royalty gas from state-owned lands or other gas for the contract under which the agency acquires or proposes to acquire its natural gas supplies, the Commissioner shall, on a monthly basis, inform the Comptroller of the savings being achieved by the agency and the Comptroller shall reduce the agency's utility appropriation authority accordingly. The Comptroller shall transfer the savings realized into the General Revenue Fund. The Comptroller shall report all such savings realized and all such transfers made into General Revenue to the Legislative Budget Board in the report dealing with Utility Appropriations required elsewhere in this article.

All state agencies when paying for goods and services that were purchased under an agreement that included a prompt payment discount shall submit the necessary payment documents or information to the Comptroller with sufficient lead time to allow the Comptroller to generate a payment or warrant and for the agency to deliver the warrant to the vendor in time to take advantage of the prompt payment discount.

Sec. 131. **State Preservation Board Approval.** State agencies appropriated funds to perform services with respect to the operation, maintenance, preservation and restoration of the State Capitol and Old General Land Office Building, or their contents and surrounding grounds, shall upon designation by the State Preservation Board expend funds appropriated by this Act to perform such services.

Sec. 132. **Collection of Funds for Institutional Clients.** It is the intent of the Legislature that all state agencies serving clients in institutions shall make every effort to collect funds from all available sources, including, but not limited to, hospitalization coverage and child support.

Sec. 133. **Retention of Mineral Rights.** No state lands shall be sold unless the mineral rights are retained by the state, unless impractical.

Sec. 134. **Access to State Lands.** The state shall require egress and ingress on all state lands when any state lands are sold, providing additional state lands in the immediate area an easement to a public thoroughfare.

No state funds shall be expended with any person, corporation or business entity for any purpose not presently specifically authorized by statute where that person, corporation or business entity denies the state access by easement to landlocked state properties. State funds shall be construed as any tax funds, bond monies guaranteed by the state or any other funds flowing to or through any state agency, board, commission, entity or authority and specifically includes river authorities.

Sec. 135. **State Property Use for State Purposes Required.** No person shall entrust state property to any state official or employee or to anyone else to be used for other than state purposes.

Sec. 136. **Use of Capital Trust Fund.**

1. It is the intent of the Legislature that all proceeds and interest deposited in the Capital Trust Fund to the credit of the Department of Mental Health and Mental Retardation and all receipts and interest received during the 1996-97 biennium from MHMR lands be expressly available for the purpose of funding future legislative appropriations for MHMR only. No proceeds or interest credited to the Capital Trust Fund for MHMR shall be available for appropriations benefitting any other state agency except as outlined in 2 below.

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2. It is the intent of the Legislature that the Capital Trust Fund not be available or used by any agency for the purpose of paying salaries. In the event of conflict with other appropriation acts, any matching benefit charges for salaries paid from the fund must be treated as a charge against the appropriation for individual projects in order to conserve the integrity of cash received from each land sale.

Sec. 137. Memberships or Dues for Professional Organizations. In order to conserve funds appropriated by this Act to agencies and institutions, the agency head or head of a higher education unit, with exception of state libraries, shall review and grant prior approval for any expenditures for recurring memberships or dues to professional organizations.

Sec. 138. Limitation on Expenditures for Leased Space. None of the funds appropriated by this Act may be expended for leased office or building space for operations which are moved into newly constructed, purchased, expanded, or renovated state owned facilities funded from Texas Public Finance Authority Revenue Bonds.

Sec. 139. Consolidation of Lease Space to State Owned Space. In the event that any agency moves from leased space to state owned space subsequent to the passage of this Act, the Comptroller of Public Accounts is hereby directed to reduce funds appropriated to each affected agency, by an amount equal to the lease costs that would have been incurred for the remainder of the biennium had the agency remained in leased space, less the costs the agency incurs for moving, the agency's tenant finish-out expenses, and/or costs for maintenance, utilities, security, and lease payments to the Texas Public Finance Authority. In addition, appropriations identified in this section for general revenue-funded agencies may be used by the General Services Commission for payments to the Texas Public Finance Authority for debt service. Required moving and/or tenant finish-out costs incurred by an agency moving from leased to state owned space in fiscal year 1995 may be paid from 1996 year appropriations and costs incurred in 1996 may be paid from 1997 year appropriations as necessary to facilitate the move. Furthermore, the Comptroller of Public Accounts is hereby directed to transfer to the General Services Commission from special funds or accounts of those agencies that move into a state facility funded from Texas Public Finance Authority revenue bond proceeds, each agency's proportional share of the lease payments made for the facility as determined by the General Services Commission. The Comptroller shall reduce the amounts appropriated to the General Services Commission from the General Revenue Fund for Lease Payments, in the appropriate article of this Act, by an amount equal to the sum of the transfers from the special funds or accounts. The funds so transferred are hereby appropriated to the General Services Commission for the purposes of making lease payments to the Texas Public Finance Authority. The Comptroller is further directed to transfer to the General Services Commission from special or general revenue funds identified above, amounts necessary to pay costs for custodial, maintenance, utilities, security, and lease payments for newly acquired state-owned office space. Total amounts transferred to the General Services Commission shall not exceed net amounts available from the sources identified in this provision and are hereby appropriated to the General Services Commission.

Sec. 140. Space Occupied by Agencies. Agencies funded through appropriations made by this Act, other than those in Articles III and IV, but including the Higher Education Coordinating Board, shall make every effort to achieve and maintain a ratio of not more than one-hundred-fifty-three (153) square feet per employee, in conformance with V.T.C.S., Article 601b, Section 6.021(c), at each agency site for usable office space as defined by the General Services Commission, in both state-owned and leased buildings, insofar as possible without sacrifice of critical public or client services. For purposes of this provision, sites at which 15 or fewer employees are located may be excluded. This provision shall not be construed so as to require an agency to relocate to another facility or site if such relocation would result in an increased building rental cost. Each agency shall report its progress toward achieving this objective in its annual financial report required by this Act.

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This section shall not apply to the Higher Education Coordinating Board until the Board's lease for office space in effect on the effective date of this Act expires or is terminated.

Sec. 141. **High Speed Rail.** As soon as practicable, the Texas High-Speed Rail Authority created by Senate Bill 1190, Acts of the Seventy-first Legislature, Regular Session, or its successor, shall reimburse the General Revenue Fund for the amounts appropriated by Senate Bill 222, Acts of the Seventy-first Legislature, Regular Session.

Sec. 142. **Coordinated Technology Training.** The Legislature instructs all state agencies to maximize the utilization of appropriated funds used for information resource technology training by coordinating their training plans each calendar quarter with the Department of Information Resources if such offerings meet agency requirements and are cost-competitive.

Sec. 143. **Job Notice Posting Waiver.** To the extent permissible by law, any agency affected by legislatively-mandated reorganizations and/or mergers may transfer or reassign an employee without the necessity of posting a job vacancy notice provided that the executive director of the agency certifies that each transfer or reassignment is necessary for the proper implementation of the reorganization and/or merger.

Sec. 144. **Transfer of Master Equipment Lease Purchase Program Payments.** The Texas Public Finance Authority is hereby authorized to transfer each agency's share of administrative fees and lease payments pursuant to the Master Equipment Lease Purchase Program from each agency's appropriations made elsewhere in this Act to the Texas Public Finance Authority Master Equipment Lease Purchase Program cost of issuance fund(s) and the State Lease Fund Account, respectively. Transfers for administrative fees and lease payments shall not be made earlier than fifteen (15) days prior to the date that debt service payment is required. The Texas Public Finance Authority may transfer funds necessary for Master Equipment Lease Purchase Program debt service payments from the State Lease Fund Account to the Texas Public Finance Authority Master Equipment Lease Purchase Program interest and sinking fund(s).

The Comptroller of Public Accounts shall assist the Texas Public Finance Authority in the transfer of lease payments. State agencies participating in the Master Equipment Lease Purchase Program shall cooperate in the timely transfer of lease payments to the Texas Public Finance Authority. The absence of specific Master Lease payment appropriations, identified in an agency's capital budget, shall not be construed to release an agency from lease payment obligations.

Sec. 145. **Agency's Participation in Master Equipment Lease Purchase Program.** It is the intent of the Legislature that all agencies participate in the Master Equipment Lease Purchase Program to the extent that the Master Equipment Lease Purchase Program is the most cost effective type of financing when using a lease-purchase method for acquisition of capital assets.

Sec. 146. **Administrative Fee Appropriation.** The administrative fees charged by the Comptroller of Public Accounts to cover the costs incurred as a result of administering the state employee organization membership fee deduction under Section 403.0165, Government Code, are to be deposited in the General Revenue Fund.

Sec. 147. **Alternative Fuels Finance Payments: Transfer and Appropriation.** The Texas Public Finance Authority (TPFA) is hereby authorized to transfer each agency's pro rata share of administrative fees and finance payments pursuant to the alternative fuels finance program from each agency's appropriations made elsewhere in this Act to the TPFA alternative fuels finance program cost of issuance fund(s) and the State Lease Fund Account, respectively. Transfers for administrative fees and lease payments shall not be made earlier than fifteen (15) days prior to the date that debt service payment is required. The TPFA may transfer funds necessary for alternative fuels finance program debt service payments from the State Lease Fund Account to the TPFA

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alternative fuels finance program interest and sinking fund(s) and is hereby appropriated all necessary amounts from those funds for payment of debt service associated with the program. Any reimbursements or payments received by the TPFA for services rendered under agreement with any political subdivision of the state participating in the alternative fuels finance program are hereby appropriated to the TPFA for debt service payments associated with the program.

Sec. 148. Use of State Facilities for Meetings and Conferences. All state agencies shall make use of state owned facilities for meetings and conferences unless such facilities are not available on the needed date(s) or are not adequate to accommodate the meeting or conference.

Sec. 149. Contracting Requirements. No Article II or Article V agency shall contract with or issue a license, certificate or permit to the owner, operator or administrator of a facility if the license, permit or certificate has been revoked by another Article II or Article V agency.

Sec. 150. Identification of Funds for Early Childhood Programs. The Health and Human Services Commission, the Department of Commerce, and any appropriate interagency committee on early childhood programs shall coordinate efforts to identify potential sources of local, state, federal, and private funds and technical assistance to support collaboration and cooperation of local early child care and education programs.

Sec. 151. Energy Saving Information Technology Equipment. All state agencies shall consider costs of electrical energy in determining the "best value" for the agency in the procurement of information technology equipment. Those agencies, located in Capitol Complex buildings, whose electrical energy costs are paid by the General Services Commission, and who upgrade to more modern energy efficient equipment resulting in a continuing energy savings of 75% or more, shall be reimbursed for the calculated savings for the remainder of the biennium by a transfer of funds from the General Services Commission energy funds.

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Sec. 152. Service Transfers. Having determined that the reasonable costs of the services rendered by administrative and service departments or agencies of the state to certain state agencies in carrying out their statutory duties and responsibilities to be the sums herein indicated, the Legislature hereby adopts the foregoing fact-finding; and for the purpose of paying for such services there is hereby appropriated and the Comptroller of Public Accounts shall transfer from the following funds to the General Revenue Fund at the end of each fiscal year the following sums:

	For the Years Ending	
	August 31, 1996	August 31, 1997
State Highway Fund No. 6	\$ 7,500,000	\$ 7,500,000
Game, Fish and Water Safety Account No. 9	770,805	801,314
Clean Air Account No. 151	283,069	289,083
Water Quality Account No. 153	37,779	37,130
Pharmacy Board Operating Account No. 523	61,900	64,350
Hazardous and Solid Waste Fee Account No. 549	61,400	61,400
Hazardous and Solid Waste Remediation Fee Account No. 550	174,261	197,765
Solid Waste Disposal Fee Revenues	<u>139,176</u>	<u>137,305</u>
TOTAL	<u>\$ 9,028,390</u>	<u>\$ 9,088,347</u>

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Sec. 153. Reductions in Appropriations and Limitation on State Employment.

1. It is the intent of the Legislature to limit the growth in the level of employment for state agencies and institutions of higher education. The amounts indicated as the "Number of Positions (FTE)" following the agency's items of appropriation in this Act are the target levels for each state agency and institution of higher education. The actual levels of employment shall be monitored by the Legislative Budget Board and the Governor's Office of Budget and Planning. Each state agency and institution of higher education shall report such information upon request.
2. The Comptroller of Public Accounts is hereby directed to reduce the appropriations made by this Act, including appropriations made in Article X, out of the General Revenue Fund, including General Revenue Fund-Consolidated and General Revenue Fund-Dedicated sources, by an amount equal to 1.26% of the total amount appropriated out of the above identified funding sources, excluding appropriations exempted from the application of this subsection, or \$300,000,000 for the biennium, whichever amount is greater. To achieve this savings, appropriations from the above mentioned funding sources are hereby reduced on an equal percentage basis determined by the Comptroller of Public Accounts as necessary to achieve the reduction provided by this subsection.
 - a. The reduction required by this subsection shall not apply to constitutionally dedicated funds; funds pledged to the payment of bonds or notes; funds appropriated for the Employees Retirement System, the Teacher Retirement System, Higher Education Employees Group Health Insurance, the Foundation School Program, Baylor College of Medicine, and the Baylor College of Dentistry; amounts necessary for salaries out of appropriations made in Article IV of this Act; or to items of appropriation designated as "estimated".
 - b. The Comptroller of Public Accounts shall determine the amounts to be reduced pursuant to this subsection no later than October 1, 1995 and shall inform the Legislative Budget Board and the Governor as to the reduction amounts for each agency. The Comptroller of Public Accounts shall also inform each state agency and institution affected by the reductions no later than October 15, 1995.
3. It is the intent of the Legislature that at least 50% of the appropriation reductions made pursuant to subsection 2 of this section be applied by the affected agencies toward reductions in salary and personnel expenses.
4. In addition to the appropriation reductions contained elsewhere in this section, the Comptroller of Public Accounts is hereby directed to make reductions in appropriations to the Employees Retirement System (for retirement and group insurance) and to the Comptroller of Public Accounts (for Social Security contributions) in an estimated amount of \$37.5 million in general revenue and general revenue related funds for the 1996-97 biennium.
5. In order to provide for flexibility in implementation of these reductions, state agencies and institutions of higher education may adjust the amount of reduction between fiscal years 1996 and 1997 by not more than 25% of the annual amount of reduction but must achieve a total reduction for the biennium in the amount determined by the Comptroller of Public Accounts. The Comptroller of Public Accounts may promulgate procedures for the implementation of this subsection.
6. State agencies and institutions of higher education shall identify, in operating budgets required by this Act, the strategies from which the reductions were made, the amount of

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salary and personnel expense reductions and the number of full time equivalent employees reduced as compared to the fiscal year 1995 level, as estimated in the Request for Legislative Appropriations submitted by the agency or institution to the Legislature for the 1996-97 biennium. The information required by this subsection shall be reported for funds held within the state treasury and for funds held outside the state treasury.

Sec. 154. Contingency for Elimination of State Contributions Towards Employee-Paid FICA Taxes. Contingent upon the taking effect of S.B. 102 or similar legislation by the regular session of the 74th Legislature that eliminates state contributions toward the taxes paid by state employees and state-paid judges under the Federal Insurance Contributions Act (FICA), the following provisions take effect. To the extent of irreconcilable conflict between the following provisions and S.B. 102 or similar legislation, the latter prevails.

1. The appropriations made in this Act for the state's contribution toward the FICA taxes assessed on state employees and state-paid judges for compensation paid after December 31, 1995, and before September 3, 1997, are canceled and may not take effect. The appropriations for the state's matching contribution under FICA are not affected by this subsection.
2. Except as provided in Subsection (3) of this section, the Comptroller of Public Accounts is hereby appropriated from the General Revenue Fund and Other Funds for the fiscal biennium ending August 31, 1997, amounts sufficient to: (a) make benefit replacement payments to the state employees and state-paid judges who are entitled to receive them under S.B. 102 or similar legislation; (b) pay the increase in the state's matching contributions under FICA that results from the benefit replacement payments; and (c) pay the increase in the state's matching retirement contributions that results from the benefit replacement payments. This appropriation is subject to the proportionality requirements of Section 30 of this article. The Comptroller may allocate the appropriation to state agencies as the Comptroller deems necessary.
3. Subsection (2) of this section does not include appropriations to: (a) make benefit replacement payments to employees of public community colleges or public junior colleges; (b) pay the increase in those colleges' matching contributions under FICA that results from the benefit replacement payments; or (c) pay the increase in the colleges' matching retirement contributions that results from the benefit replacement payments. The colleges may make benefit replacement payments and payments of their increased FICA and retirement matching contributions only out funds appropriated to the colleges elsewhere in this Act or out of other available funds. To the extent other available funds are used, those funds are appropriated for that purpose. A provision of this Act other than this section does not apply to those funds unless the provision specifically makes the funds subject to that provision.
4. The purpose of the appropriations made in this section is to compensate for the reductions in net pay that state employees and state-paid judges otherwise would experience from the elimination of state contributions toward the taxes they pay under FICA. The cancellation of the appropriations in Subsection (1) of this section and the enactment of new appropriations in Subsections (2) and (3) of this section are necessary to implement S.B. 102 or similar legislation and to achieve the associated savings.

Sec. 155. Reductions in Appropriations: Higher Education Retirement Programs.

1. It is the intent of the Legislature that the recommendations developed by the Texas Performance Review (TPR) and described in *Gaining Ground* as recommendation ED 24, Apply the Proportionality Concept to Higher Education's Retirement Programs, be

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adopted and implemented by the Teacher Retirement System and each affected institution of higher education. In order to achieve an identifiable General Revenue Fund savings of \$120.2 million during the 1996-97 biennium the affected institutions of higher education shall pay to the Teacher Retirement System and the Optional Retirement Program, out of funds appropriated elsewhere in this Act and out of local funds, the amounts necessary to provide for the retirement program contribution obligations related to the payment of salaries from funds other than the General Revenue Fund.

2. The General Revenue Fund appropriations made by this Act to the Teacher Retirement System and the Optional Retirement Program are hereby reduced by \$60.1 million for fiscal year 1996 and \$60.1 million for fiscal year 1997.
3. Funds appropriated out of the General Revenue Fund by this Act to the Teacher Retirement System and the Optional Retirement Program by this Act may be expended for contributions for employees of institutions of higher education only in relationship to a salary or wage paid out of an appropriation from the General Revenue Fund. All other contributions for employees of institutions of higher education shall be from funds appropriated elsewhere in this Act or from funds held outside of the State Treasury and shall be made in proportion to the source of funds from which the respective employee's salary or wage is paid.

Each selected agency and each institution of higher education shall also provide a report detailing the findings resulting from the implementation of its plan to the Governor's Office of Budget and Planning and the Legislative Budget Board. The report shall be submitted in conjunction with the agency's Request for Legislative Appropriations.

It is the intent of the Legislature that the Legislative Budget Board incorporate a performance measure assessing customer satisfaction into the strategic planning and budget structure.

Sec. 156. Outside Counsel for Prison Litigation. Out of the funds appropriated elsewhere in this Act to the Office of the Attorney General and contingent upon passage of H.C.R. 76, S.C.R. 50, or similar legislation, up to \$500,000 for the biennium may be used to pay attorney fees for outside counsel to represent the Legislature and certain other elected officials in litigation to terminate federal jurisdiction over the Texas prison and local jails as described in H.C.R. 76 and S.C.R. 50.

Sec. 157. Contingency for Senate Bill 984. If Senate Bill 984 is enacted by the Seventy-fourth Legislature at its regular session and becomes law, in addition to the other appropriations made by this Act, all amounts deposited in the community environmental equity fund during the fiscal biennium ending August 31, 1997, are appropriated for that period to the Community Environmental Equity Board for the purposes for which money in the fund may be used. If Senate Bill 984 does not become law, this provision has no effect.

Sec. 158. Skills Development Fund. Contingent upon the enactment of Senate Bill 596, Seventy-fourth Legislature, Regular Session, or similar legislation, and upon a finding of fact by the Comptroller of Public Accounts after certification of this Act that sufficient revenue is estimated to be available from the General Revenue Fund, there is hereby appropriated up to \$25,000,000 for the 1996-97 biennium to the Texas Work Force Agency for the purposes of providing startup and emergency funds for community and technical colleges to offer customized training programs, and to sponsor networks of small and medium-sized companies to better meet business training needs. Prior to certification of this contingent appropriation to the Texas Work Force Agency, the Comptroller of Public Accounts must have estimated to be available, and encumbered, sufficient additional revenue to provide for payment during fiscal 1997 of any appropriations for the 1996-97 biennium for which payment was deferred until 1998. Any postponed allocation of motor fuels tax

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revenue to the Highway Fund does not represent a deferred payment for purposes of construing this provision.

Sec. 159. Contingent Appropriation for Emissions Testing. Pursuant to the provisions of Senate Bill 178, 74th Legislature, R.S., in the event that the Governor determines that Federal requirements necessitate modifications in the emissions testing and pollution control system, there is hereby appropriated such amounts as may be necessary from additional fees and revenues received pursuant to the implementation of the modified system. The Governor and Legislative Budget Board may jointly allocate funds appropriated by this provision to appropriate state agencies and may determine to which funds or accounts such receipts are deposited. Appropriations made elsewhere in this Act from Fund/Account Numbers 274 or 151 may be used to pay any start-up costs and reimbursed from new revenues received under this appropriation.

Sec. 160. Contingency Appropriation for the Telecommunications Infrastructure Fund Board. Contingent upon the enactment of House Bill 2128, or similar legislation, by the 74th Legislature, Regular Session, relating to the provision of telecommunications and related services, the Telecommunications Infrastructure Fund Board is hereby appropriated all receipts deposited into the Telecommunications Infrastructure Fund pursuant to Section 3.606 of the Public Utility Regulatory Act not otherwise appropriated by this Act. None of the funds appropriated pursuant to this provision may be expended without prior approval of the Governor and the Legislative Budget Board.

Sec. 161. Capital Construction Project, Legislative Services Office Building. The Texas Public Finance Authority may issue revenue bonds or other revenue obligations in an amount estimated to be \$46,000,000 to finance the construction of a legislative services office building to be known as the Robert E. Johnson Building. As provided by Article 601d, Vernon's Texas Civil Statutes, in recognition that cost estimates are not final at the time that the project is authorized for financing and that bonds may be issued to fund associated costs, including reasonably required reserve funds, capitalized interest, administrative costs of the authority and issuing expenses, the principal amount of any issuance of bond for this purpose may be in an amount not to exceed one and one-half the amount of the expected cost for the project being financed. From the proceeds of the issuance and sale of such bonds or obligations, such amounts as may be necessary to fund the associated costs of issuance are hereby appropriated to the Texas Public Finance Authority for the fiscal biennium beginning September 1, 1995. From the remaining proceeds of the issuance and sale of such bonds, such amounts as may be necessary to fund any costs relating to the construction of legislative services office building to be known as the Robert E. Johnson Building are hereby appropriated to the General Services Commission for the fiscal biennium beginning September 1, 1995. The capital project authorized in this section is not subject to limitations on capital budget expenditures included elsewhere in this Act.

Sec. 162. Capital Construction Project, State Insurance Building. The Texas Public Finance Authority may issue revenue bonds or other revenue obligations in an amount estimated to be \$8,600,000 to finance the renovation of the old State Board of Insurance Building. As provided by Article 601d, Vernon's Texas Civil Statutes, in recognition that cost estimates are not final at the time that the project is authorized for financing and that bonds may be issued to fund associated costs, including reasonably required reserve funds, capitalized interest, administrative costs of the authority and issuing expenses, the principal amount of any issuance of bond for this purpose may be in an amount not to exceed one and one-half the amount of the expected cost for the project being financed. From the proceeds of the issuance and sale of such bonds or obligations, such amounts as may be necessary to fund the associated costs of issuance are hereby appropriated to the Texas Public Finance Authority for the fiscal biennium beginning September 1, 1995. The expenditure of funds appropriated by this section is hereby made contingent on the passage into law of Senate Bill 1070, Seventy-fourth Legislature, Regular Session, 1995. From the remaining proceeds of the issuance and sale of such bonds, such amounts as may be necessary to fund any

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costs relating to the renovation of the old State Board of Insurance Building are hereby appropriated to the General Services Commission for the fiscal biennium beginning September 1, 1995. The capital project authorized in this section is not subject to limitations on capital budget expenditures included elsewhere in this Act.

Sec. 163. Welfare Reform Provisions. In addition to any additional conditions or limitations contained elsewhere in this section, the appropriations and appropriation reductions made by this section are hereby made contingent upon the enactment of House Bill 1863, or similar legislation, by the 74th Legislature, Regular Session.

1. **Maximize Federal Funding for Child Welfare Programs to implement recommendations in *Gaining Ground* and *Partnership for Independence*.** The Department of Protective and Regulatory Services (DPRS) shall increase federal funding of case management for children in protective services and foster care by classifying children in the conservatorship of the state and placed in homes of relatives as "children in substitute care," making them eligible for Medicaid. This recommendation is intended to increase federal reimbursement while maintaining or increasing services. Appropriations made from the General Revenue Fund to the Department of Protective and Regulatory Services are hereby reduced by \$4,000,000 in fiscal year 1996 and \$8,470,000 in fiscal year 1997.
2. **Use Automated Fingerprint Imaging to Prevent Duplication of Benefits.** Contingent upon passage of legislation and approval of any necessary waivers to implement the recommendation in *Partnership for Independence* to use automated fingerprint imaging, there is hereby appropriated from the General Revenue Fund to the Department of Human Services \$270,000 in fiscal year 1996. General Revenue appropriations made to the Department of Human Services in fiscal year 1997 are reduced by \$690,000.
3. **Provide Emergency Cash Assistance to Families in Crisis.** Contingent upon passage of legislation and approval of any necessary waivers to implement the provisions of the recommendations in *Partnership for Independence* that establishes a demonstration project to provide emergency cash payments for families at risk of becoming welfare recipients, the Department of Human Services is hereby appropriated \$100,000 out of the General Revenue Fund for fiscal year 1996.
4. **Extend the Supported Work Period for AFDC Recipients to Reward Work and Achieve Independence.** Contingent upon passage of legislation and the approval of any necessary waivers to implement the recommendations included in *Partnership for Independence* to provide a demonstration project using Fill-the-Gap Budgeting, the Department of Human Services is hereby appropriated out of the General Revenue Fund \$100,000 in fiscal year 1996 and \$800,000 in fiscal year 1997.
5. **Remove Marriage Barriers for Low Income Couples.** Contingent upon passage of legislation and approval of any necessary waivers to implement the provisions of the recommendations included in *Partnership for Independence* that eliminate the work history and 100-hour requirements for AFDC-UP married couples, the Department of Human Services is hereby appropriated out of the General Revenue Fund \$1,097,000 in fiscal year 1996 and \$1,409,000 in fiscal year 1997.
6. **Use Welfare Reform Savings to Fund the Job Opportunities and Basic Skills Program (JOBS) and Child Care Services.** Contingent upon passage of HB 1863, 74th Legislature, appropriations out of the General Revenue Fund to the agency given responsibility for the JOBS program are hereby increased by \$4,500,000 each year of the biennium for the JOBS program and employment-related child care services. This amount uses savings from welfare

OTHER APPROPRIATIONS AND ADJUSTMENTS
(Continued)

reform implementation to fund additional services to assist public assistance clients to achieve employment and self-sufficiency.

7. **Use of Savings.** An agency that realizes any savings above the savings contained in the Appropriations Act as a result of changes established by HB 1863, 74th Legislature shall use all money saved exclusively for the purpose of aiding recipients of AFDC benefits to achieve employment and self-sufficiency or to aid families that are at risk of becoming dependent on AFDC. The programs that these savings may be used for include emergency benefits, transitional medical and child-care benefits, the JOBS program or other employment opportunity programs, or any additional programs that are used to help AFDC recipients or individuals at risk of becoming dependent on AFDC achieve or maintain employment and self-sufficiency.
8. **Improve Texans' Literacy Levels.** Contingent upon passage of legislation to implement the recommendations of *Gaining Ground* (WF 10) and *Partnership for Independence*, the Texas Center for Adult Literacy and Learning at Texas A&M University shall provide and assist DHS in the distribution of adult literacy learning tapes. Out of funds appropriated above, Texas A&M University shall allocate \$110,000 each year of the biennium to provide these services.
9. **Improve the State's Medicaid Cost Recovery Program to Implement Recommendations in *Gaining Ground* (GG 9) and in *Partnership for Independence*.** The Texas Department of Health shall transfer into a sub-account of the Child Support Retained Collections Account, the lesser of half of the state's share of Medicaid costs recovered or saved from third-party insurance resources above existing efforts, or \$2,592,000 for each year of the biennium. The amount transferred is hereby appropriated to the Child Support Enforcement Division of the Office of the Attorney General for child support enforcement purposes and is in addition to the appropriations made elsewhere in this Act.
10. **Use Increased Deposits for Child Support Enforcement Resulting from *Gaining Ground* and *Partnership for Independence* Recommendations.** Contingent upon a finding of fact by the Comptroller of Public Accounts, the Office of the Attorney General is hereby appropriated fifty percent of child support retained collections receipts in excess of the Comptroller's biennial certification estimate less the estimate for increased receipts generated by legislation related to increasing child support collections for the 1996-97 biennium. The additional receipts appropriated above the Comptroller's estimate would be those resulting from the passage of Senate Bill 793, Senate Bill 7, House Bill 1863, House Bill 433 or similar legislation.

	<u>1996</u>	<u>1997</u>
• New Measure:		
Percent of paternity acknowledgements for out of wedlock births	70%	70%

Sec. 164. Contingency Appropriation for House Bill 785.

1. Contingent upon the enactment of House Bill 785, or similar legislation transferring the regulation of manufactured housing to the Department of Housing and Community Affairs by the 74th Legislature, Regular Session, out of funds appropriated to the Department of Licensing and Regulation, the Department of Housing and Community affairs shall receive revenue associated with the regulation of manufactured housing in an amount not to exceed \$3,400,000 each fiscal year of the biennium for the implementation of that Act, as indicated below:

OTHER APPROPRIATIONS AND ADJUSTMENTS
(Continued)

	<u>FY 1996</u>	<u>FY 1997</u>
Federal Funds	\$ 264,554	\$ 264,554
General Revenue	\$ 1,429,600	\$ 1,429,600
Appropriated Receipts	\$ 1,429,710	\$ 1,429,710
Manufactured Homeowner's Recovery Fund #926	<u>\$ 276,136</u>	<u>\$ 276,136</u>
Total	<u>\$ 3,400,000</u>	<u>\$ 3,400,000</u>

2. In the event that the Texas Department of Licensing and Regulation retains responsibility for the regulation of manufactured housing, the department is hereby appropriated all additional revenues as authorized for the implementation of that Act.

Sec. 165. Contingency Appropriation for Senate Bill 1214. Contingent upon the enactment of Senate Bill 1214, or similar legislation relating to the registration and reporting by charitable organizations, by the 74th Legislature, Regular Session, the Office of the Attorney General is hereby appropriated \$649,030 for fiscal year 1996 and \$604,582 for fiscal year 1997 out of additional revenues collected pursuant to Senate Bill 1214 for the purpose of implementing that Act. The Office of the Attorney General is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed in the agency's bill pattern above. Funds appropriated by this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

Sec. 166. Workforce Program Consolidation. The following provisions are contingent upon the enactment of House Bill 1863 creating a consolidated workforce development agency, by the 74th Legislature, Regular Session.

1. In accordance with recommendations developed by the Comptroller of Public Accounts and the Transition Oversight Committee pursuant to House Bill 1863, the amounts shown below shall be transferred to the Texas Workforce Commission (TWC). The amounts to be transferred shall not exceed the amount indicated for each fiscal year for each respective agency. Except for the Employment Commission, the amounts indicated below include indirect administrative costs associated with each strategy and appropriated in an item or items of appropriation for indirect administration.

	<u>1996</u>	<u>1997</u>
<u>Department on Aging</u>		
Strategy A.1.6., Volunteer and Employment	\$ 4,971,124	\$ 4,971,124
<u>Department of Commerce</u>		
Strategy A.1.1., Employment and Training	275,803,705	275,778,121
<u>Employment Commission</u>		
Goal A., Aid Job Seekers/Employers	68,271,463	69,785,776
Goal B., Provide Monetary Assistance	104,231,188	102,119,495
Goal C., Labor Market Information/ Analysis	4,983,906	5,048,750
Goal D., Indirect Administration	21,281,977	21,604,562

OTHER APPROPRIATIONS AND ADJUSTMENTS
(Continued)

	<u>1996</u>	<u>1997</u>
<u>Department of Human Services</u>		
Strategy B.1.1., Employment Services	117,990,258	78,155,311
Strategy B.1.2., Child Care Services	192,327,931	198,383,691
<u>Central Education Agency</u>		
Strategy A.5.1., Adult Education/ Literacy	1,400,000	1,400,000
<u>Proprietary Schools</u>		
Strategy A.1.1., Equity & Achievement	1,601,679	1,600,165
<u>Department of Criminal Justice</u>		
Strategy C.2.3., Project RIO/ Job Placement	7,837,418	7,837,418
<u>Texas Youth Commission</u>		
Strategy B.1.1., Education Programs	700,000	800,000
<u>General Services Commission</u>		
Strategy C.1.1, Grant Support	<u>271,078</u>	<u>271,057</u>
 TOTAL	 <u>\$801,671,727</u>	 <u>\$767,755,470</u>

2. The commissioners approved by the Governor to serve on the TWC shall be classified "Group 4" in the Scheduled Exempt Positions. The executive director appointed by the Commission shall be classified "Group 5" in the Scheduled Exempt Positions.
3. The Comptroller of Public Accounts shall be reimbursed an amount not to exceed \$200,000 for the 1996-97 biennium for costs associated with the management study conducted of the workforce development programs as directed in that Act out of funds to be designated by the TWC.
4. The TWC is hereby authorized to expend funds out of the appropriation made pursuant to Section 158, Skills Development Fund, in this Article. Receipt of these funds are contingent upon certification by the Comptroller of Public Accounts of the availability of such funds and approval by the Governor's Office of Budget and Planning and the Legislative Budget Board.
5. The TWC shall adopt the *Core Performance Measures* adopted by the Texas Council on Workforce and Economic Competitiveness on May 27, 1994, and shall ensure all workforce programs include goals, objectives, strategies and performance measures. The TWC shall begin reporting, on a quarterly basis, to the Governor's Office of Budget and

OTHER APPROPRIATIONS AND ADJUSTMENTS

(Continued)

Planning and the Legislative Budget Board on the core measures not later than February 29, 1996.

6. The TWC shall develop a budget to carry out the commission's duties and responsibilities pursuant to House Bill 1863. The budget must be submitted to the Governor's Office of Budget and Planning and the Legislative Budget Board for approval no later than October 1, 1995, or within thirty days of the appointment of an executive director. The budget shall identify funds appropriated and the method of financing for the biennium ending August 31, 1997.

Sec. 167. Grievance Procedure: Department of Criminal Justice.

1. Before January 1, 1996, the Board of Criminal Justice shall adopt employee disciplinary and grievance procedures in compliance with this section.
2. The Board's disciplinary procedures shall allow an employee of the department to be represented by a designee of the employee's selection who may participate in the hearing on behalf of an employee charged with any type of disciplinary violation.
3. The Board's grievance procedure shall attempt to solve problems through a process which recognizes the employee's right to bring grievances pursuant to the procedures in this section. The grievance procedure shall include either independent mediation or independent, non-binding arbitration of disputes between the employer and the employee if the disciplining authority recommends that the employee be terminated or the employee is terminated.
4. Any grievance or disciplinary hearing in which a department employee serves as a representative shall be held during normal business hours on a week day, unless the employer and employee agree otherwise. The employee subject to the hearing attends such hearing as a part of regular employment duties. An employee representative who is a department employee must obtain prior approval to be placed on unpaid leave to attend a hearing.
5. Nothing in this provision shall authorize expenditures of appropriated funds not authorized elsewhere in this Act and this section is specifically subject to Section 58 of this article.

**RECAPITULATION - ARTICLE IX
GENERAL PROVISIONS
(General Revenue)**

	For the Years Ending August 31, <u>1996</u>	August 31, <u>1997</u>
Service Transfers	\$ -8,889,214	\$ -8,951,042
Reductions in Appropriations and Limitation on State Employment	-168,750,000	-168,750,000
State Contribution for Social Security Taxes	-1,743,000	-15,479,000
Capital Construction Projects		
Contingency Appropriation - Welfare Reform Provisions	2,067,000	-2,451,000
Contingency Appropriation - S.B. 1214	<u>649,030</u>	<u>604,582</u>
 TOTAL, ARTICLE IX - General Provisions	 <u>\$ -176,666,184</u>	 <u>\$ -195,026,460</u>

**RECAPITULATION - ARTICLE IX
GENERAL PROVISIONS
(General Revenue - Consolidated)**

	For the Years Ending	
	August 31, 1996	August 31, 1997
	<u> </u>	<u> </u>
Service Transfers	\$	\$
Reductions in Appropriations and Limitation on State Employment		
State Contribution for Social Security Taxes	-165,000	-1,467,000
Capital Construction Projects		
Contingency Appropriation - Welfare Reform Provisions		
Contingency Appropriation - S.B. 1214	<u> </u>	<u> </u>
 TOTAL, ARTICLE IX - General Provisions	 \$ <u>-165,000</u>	 \$ <u>-1,467,000</u>

**RECAPITULATION - ARTICLE IX
GENERAL PROVISIONS
(Federal Funds)**

	For the Years Ending	
	August 31,	August 31,
	<u>1996</u>	<u>1997</u>
Service Transfers	\$	\$
Reductions in Appropriations and Limitation on State Employment		
State Contribution for Social Security Taxes		
Capital Construction Projects		
Contingency Appropriation - Welfare Reform Provisions		
Contingency Appropriation - S.B. 1214	<u></u>	<u></u>
TOTAL, ARTICLE IX - General Provisions	<u>\$</u>	<u>\$</u>

**RECAPITULATION - ARTICLE IX
GENERAL PROVISIONS
(Other Funds)**

	For the Years Ending	
	August 31, 1996	August 31, 1997
	<u> </u>	<u> </u>
Service Transfers	\$	\$
Reductions in Appropriations and Limitation on State Employment		
State Contribution for Social Security Taxes	-769,000	-6,828,000
Capital Construction Projects	54,600,000	
Contingency Appropriation - Welfare Reform Provisions		
Contingency Appropriation - S.B. 1214		
	<u> </u>	<u> </u>
TOTAL, ARTICLE IX - General Provisions	<u>\$ 53,831,000</u>	<u>\$ -6,828,000</u>

**RECAPITULATION - ARTICLE IX
GENERAL PROVISIONS
(All Funds)**

	For the Years Ending August 31, <u>1996</u>	August 31, <u>1997</u>
Service Transfers	\$ -8,889,214	\$ -8,951,042
Reductions in Appropriations and Limitation on State Employment	-168,750,000	-168,750,000
State Contribution for Social Security Taxes	-2,677,000	-23,774,000
Capital Construction Projects	54,600,000	
Contingency Appropriation - Welfare Reform Provisions	2,067,000	-2,451,000
Contingency Appropriation - S.B. 1214	<u>649,030</u>	<u>604,582</u>
 TOTAL, ARTICLE IX - General Provisions	 <u>\$ -123,000,184</u>	 <u>\$ -203,321,460</u>